Legislative Assembly

Tuesday, 6th October, 1953.

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

QUESTIONS.

RAILWAYS.

(a) As to Financial Details, Country Lines.

Mr. CORNELL asked the Minister for Railways:

What are the operating positions, showing in detail—

(a) earnings;
(b) working expenses;
(c) interest;
(d) depreciation,

on the following lines:—

(a) Burakin-Bonnie Rock;
(b) Busselton-Flinders Bay;
(c) Elleker-Nornalup;
(d) Pinjarra-Dwellingup-Narrogin;
(e) Brookton-Corrigin;
(f) Lake Grace-Newdegate;
(g) Lake Grace-Hyden,

for the following financial years:—

Year ended the 30th June, 1951;
Year ended the 30th June, 1952;
Year ended the 30th June, 1953?

The MINISTER replied:

The figures are as follows:—

Section of Line.		Earnings.	Working Expenses.	Interest.	Depreciation.	Total Working Expenses.	Loss.
		£	£	£	£	£	£
(a) Burakin-Bonnie Rock	1951–52	8,255	22,746	9,111	4,815	36,672	28,417
	1950–51	8,380	18,492	9,162	4,842	32,496	24,116
(b) Busselton-Flinders Bay	1951–52	26,141	66,658	8,423	5,435	80,566	54,425
	1950–51	31,402	46,512	7,821	5,092	59,425	28,023
(c) Elleker-Nornalup	1951–52	7,995	40,085	13,307	5,269	58,661	50,666
	1950–51	8,132	21,935	12,693	4,986	39,514	31,382
(d) Pinjarra-Narrogin	1951–52	24,357	69,287	9,898	6,223	85,408	61,051
	1950–51	34,578	68,007	9,694	6,095	83,796	49,218
(e) Brookton-Corrigin	1951–52	10,553	29,674	3,934	2,871	36,479	25,926
	1950–51	12,856	22,403	3,521	2,569	28,493	15,637
(f) Lake Grace Newdegate	1951–52	9,420	26,588	3,903	3,082	33,573	24,153
	1950–51	10,171	21,173	3,927	3,100	28,200	18,029
(g) Lake Grace-Hyden	1951–52	11,573	26,947	6,715	4,182	37,844	26,271
	1950–51	10,145	17,798	6,541	4,073	28,412	18,267

Information for 1953 is not yet available.

(b) As to Criticism of Midland Junction Workshops.

Mr. ANDREW asked the Minister for Railways:

(1) Did he see the statements by Messrs. Roche and Jones as reported in "The West Australian" of the 1st October, in which they attacked the workers employed at the railway workshops at Midland Junction?

(2) Does he not consider that the statements made are unwarranted, not in accordance with fact, and uninformed?

(3) If the answers to Nos. 1 and 2 are in the affirmative, will he suggest to these persons that they look nearer home for those who do not give service for remuneration received?

The MINISTER replied:

(1) Yes.

(2) Yes, completely.

(3) Because of parliamentary etiquette between the two Houses it is not permissible to express in sufficiently strong terms the management's views on this phase of the matter.

CORONER'S INQUESTS.

As to Number Awaiting Hearing.

Mr. BRADY asked the Minister for Justice:

(1) What number of inquests are awaiting hearing?

(2) What has been the average period of waiting for hearing during the last three years?

(3) Can any action be taken to speed up the hearings before the coroner?

The MINISTER replied:

(1) At present eight inquests are outstanding in the metropolitan area, of which six have been set down for hearing. The files for the other two were received by the City Coroner only on Friday last.

(2) Between the date of death and commencement of hearing:—

Year ended 30/9/51—average 50 days.
Year ended 30/9/52—average 61.8 days.
Year ended 30/9/53—average 67.4 days.
Mean average, 59.7 days.

(3) There is no delay so far as the City Coroner is concerned but delays are sometimes caused by counsel requesting adjournments, and the absence of witnesses. The average period that elapses between the time the files are received from the police and the date of the inquest is 14 days. It is always necessary to subpoena a number of witnesses and a period of 14 days is usually allowed for the issue and service of witness summonses.

Some time must elapse after a death occurs before police inquiries are completed, and before the file can be submitted to the coroner for consideration as to whether an inquest is necessary.

I am assured by the Acting Commissioner of Police that the inquiries are completed as quickly as possible.

Since February last the City Coroner has completed 132 inquests.

SHIPPING.

As to Fruit Exports, Bunbury.

Mr. HILL asked the Premier:

Will he explain why no fruit was shipped from the port of Bunbury, in view of the fact that seven out of the 10 ships which lifted fruit from Albany and 40 of the 66 ships which lifted fruit from Fremantle, had a draught of 26 feet or less, and could have loaded at Bunbury?

The PREMIER replied:

Shippers advise that the need of cargo other than fruit may require ships to berth at specified ports.

HEALTH.

As to Subsidising Infant Centre Buildings.

Mr. PERKINS asked the Minister for Health:

(1) Has he decided which infant health centres are to have construction of buildings subsidised by the Government this financial year, and if so, which ones and to what extent?

(2) If not when is a decision likely to be made?

The MINISTER replied:

(1) and (2) No. In view of the limited amount of money available and the large number of requests received for assistance, each case is being considered on its merits.

LAND TITLES OFFICE.

As to Reviewing Fees.

Mr. JOHNSON asked the Minister for Justice:

As the 77th annual report of the Commissioner of Titles reveals that fees collected were insufficient to meet wages and salaries, and also that the "work of the office continues to be severely hampered by lack of accommodation," will he give consideration—

(a) to reviewing the fees to meet costs and produce a surplus;

(b) applying the surplus to modernising the facilities available to—
  (i) the staff;
  (ii) the public?

The MINISTER replied:

(a) This question is now under review.

(b) It is not anticipated that a surplus would be produced from any increase in fees which might be made.

HOSPITALS.

As to Employees' Conditions, Metropolitan Area.

Mr. HUTCHINSON asked the Minister for Labour:

(1) Did the Government recently direct the boards of management of the Royal Perth, Fremantle, and Princess Margaret hospitals, to enter into a consent award with the Federated Clerks' Union in respect of any of the employees of the hospitals mentioned?

(2) If the answer to No. 1 is in the affirmative, why did the Government so direct the boards?

The MINISTER replied:

(1) Cabinet decided that managements of hospitals mentioned should act as indicated in the question.

(2) To revert to the position obtaining prior to the retirement by such managements from the industrial instrument then in force.

FORESTS.

As to Applicants for Position of Conservator.

Mr. BOVELL asked the Minister for Forests:

(1) Does any applicant from outside Western Australia, for the position of Conservator of Forests, possess forestry degrees and academic qualifications equal to or higher than those of Dr. T. N. Stoate?

(2) Are there any applicants for the position within Western Australia other than Dr. Stoate who possess forestry degrees similar to or higher than his?

(3) Is it the intention of the Government to appoint the applicant who possesses the highest forestry degrees and academic qualifications to the position of Conservator of Forests?

The MINISTER replied:

(1), (2) and (3) Academic as well as other qualifications will be taken into account in making the appointment. I am not disposed to enter into public discussions on the comparative qualifications of applicants, particularly whilst consideration is being given to the appointment.

It is obvious that the claims of a particular applicant are being canvassed by the questioner and this is regarded as most improper.

HARBOURS.

(a) As to Losses at Outports.

Mr. HILL asked the Premier:

(1) Is the Government desirous of economising wherever possible?

(2) Does he agree with the Commonwealth Grants Commission and every shipping witness that gave evidence before the Outports Royal Commission that a multiplicity of ports is uneconomic?

(3) Is he aware that shipping companies are demanding fewer ports?

(4) Has the Government ever considered effecting economies by carrying out recommendation (b) of section 18 of the report of the Commonwealth Transport Committee, 1929, to reduce annual losses incurred by outports by closing certain ports and concentrating overseas trade at other more suitable ports?

The PREMIER replied:

(1), (2), (3) and (4) The Government policy is to have a well balanced policy of harbour development and not necessarily development of one country port at the expense of another country port, or development of the city port at the expense of country ports.

(b) As to Losses at Bunbury.

Mr. HILL asked the Premier:

(1) What have been the losses of the Bunbury Harbour Board on—

(a) working expenses;

(b) with interest added, for the years 1948, 1949, 1950, 1951, 1952?

(2) Has the Government ever examined Sir George Buchanan's statement that, "it will be cheaper to construct railways to Albany than develop Bunbury as a port"?

The PREMIER replied:

Year.	Loss on Working.	Interest.	Total.
	£	£	£
1948	14,775	27,527	42,302
1949	8,772	28,969	37,741
1950	18,024	28,088	46,112
1951	22,147	32,640	54,787
1952	28,021	40,090	68,111
	91,739	157,314	249,053

(2) Answered by Nos. (1), (2), (3) and (4) of the replies to the hon. member's previous question regarding losses at outports.

(c) As to Reports on Fremantle Scheme.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Works:

Is it his intention to issue members with—

(1) A copy of Sir Alexander Gibbs's report on the Fremantle harbour;

(2) A copy of the report of Messrs. Brisbane and Dumas on the Fremantle harbour?

The MINISTER replied:

(1) I do not think sufficient copies of the report are available to comply with the request, but if any member particularly desires to have a copy, and makes application to the Under Secretary for Works, I shall see what can be done to meet the request.

(2) This refers to a report not yet received by the Government, so no answer can be given to it.

ENTERTAINMENTS TAX.

As to Exempting Surf Life Saving Association.

Mr. NIMMO (without notice) asked the Premier:

Is it his intention to exempt the Surf Life Saving Association from the payment of entertainments tax?

The PREMIER replied:

No decision has yet been made, but the matter will be considered and decided during the next two weeks.

ROYAL SHOW.

As to Arranging Through Bus Service.

Mr. YATES (without notice) asked the Minister for Transport:

Has the Minister given consideration to the question of running buses during Show Week from the south side of the river direct to the Show Grounds at Claremont, and if so, what decision has been made?

The MINISTER replied:

I regret that, following on the hon. member's question last week, I have not informed him of the result of the investigation. The Tramway Department is of

opinion that, with the number of buses available and the necessary duplication of services to bring about a through service, it would be impracticable.

COAL INDUSTRY.

As to Reported Statement by Premier.

Hon. D. BRAND (without notice) asked the Premier:

Was he correctly reported in the "Collie Mail" of Thursday, the 24th September, under the heading "Decision Deferred on Open-Cuts," as follows:—

> "What would happen if the new regulation was rejected by the Legislative Council and if the present Government went out of office?" Mr. Latter asked.
>
> "If we are defeated, you will be in the hands of the new Government as much as anyone else," Mr. Hawke said. "However, if a new Government were elected and it tried to play monkey tricks at Collie, I think that the miners would have enough power to bring them into line."

To what power did he refer?

The PREMIER replied:

I think the report is not correct. If the hon. member does me the courtesy of allowing me to study it, I shall have something further to say next week.

PERSONAL EXPLANATION.

Mr. Bovell and Minister's Answer to Question.

Mr. BOVELL: I wish to make a personal explanation regarding the question I asked the Minister for Forests about the qualifications of applicants for the position of Conservator of Forests. Members will recall that I asked the question without notice on Thursday last, and the Minister requested that it be placed on the notice paper. I asked the question in good faith, and I think that the Minister was most discourteous in suggesting that I am canvassing the candidature or application of Dr. Stoate. That statement is entirely incorrect. My question was directed to the Minister in the public interest and therefore I regret his statement. If he did not wish to answer it, he could have said so, but the question was directed to him under parliamentary privilege, and I consider his attitude improper. I wish to take this opportunity of voicing my disapproval of the Minister's action.

The Minister for Forests: Cut out the crocodile tears! That is the sort of thing you did for 12 months.

BILL—CREMATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HEALTH (Hon. E. Nulsen—Eyre) [4.47] in moving the second reading said: This is a very short Bill entailing a small alteration to the administration of the Act. The law at present provides that, before a body may be cremated, a permit must be obtained from the Registrar General or the district registrar, and must be accompanied by a certificate from a medical practitioner setting forth the cause of death, and also a confirmatory medical certificate, and the registrar is required to assess the medical evidence placed before him.

The Registrar General has pointed out that this is an unfair responsibility to place upon an administrative officer and has suggested that medical referees be appointed to assume the duty of supervising the issue of such permits. This matter has been discussed by the Commissioner of Public Health, the City Coroner, the Registrar General and funeral directors, and all parties agree that the proposal is workable and will be an improvement on the present arrangement.

I shall now indicate the contents of the Bill so that members may ponder over the provisions between now and the time when the Bill is again considered by the House. It provides for the amending Act to come into operation on a date to be proclaimed so that new regulations, forms, etc., can be promulgated before the measure operates. Hence, there will be no hitch in proceeding under the new Act. Another provision in the Bill is a consequential amendment resulting from the appointment of medical referees to do what was previously done by the Registrar General of Births, Deaths and Marriages under the principal Act. These two new provisions will shorten the Act and provide, in effect, for the certificate of the coroner duly appointed under the law of any State of the Commonwealth to be effective so far as this State is concerned.

The effect of the next clause is to provide that objections to the granting of a license to conduct a crematorium shall be lodged with the Commissioner of Public Health and not the Registrar of Births, Deaths and Marriages. The commissioner is obviously the more appropriate person to deal with the matter. The next amendment is complementary to the one I have just dealt with and, in effect, enlarges the class of persons who may object to the granting of a license to conduct a crematorium.

The amendment contained in the next clause is consequential on the Bill permitting persons other than the administrator of the estate of a deceased person to apply for a permit to cremate the deceased person's body. Another clause provides for the appointment of medical practitioners as medical referees to carry out under the amending Bill that which formerly the Registrar of Births, Deaths and Marriages did. It is thought that the principal Act cast upon the registrar responsibilities which, as an administra-

tive officer, he should not be asked to shoulder, and which are proper matters for a medical practitioner.

The Bill provides for a permit to cremate being granted to an administrator or other duly authorised person so that where an administrator is not resident within the State or for one or another reason he cannot make the application, some other person may do so. It provides who may apply for permits to cremate, the procedure to be followed by a person other than the administrator, and the requirements of the medical referee. It also provides for the payment of a fee for a permit to cremate, and sets out that such fee shall be retained by the medical referee issuing the permit.

If it is suspected that there are suspicious circumstances, or death was caused through violence or unnatural causes, the coroner is to be notified and no permit is to issue. There is provision for an appeal to the Commissioner of Public Health from the refusal of the medical referee to issue a permit. Another clause purports to set out the cases in which a permit shall not be issued by a medical referee, including the case where the certifying medical practitioner is a near relative of the deceased or is in partnership with the medical referee to whom the application for a permit to cremate is made.

The next clause provides for the circumstances in which a medical referee may issue a permit for cremation in respect of the remains of a still-born child. Another amendment is consequential upon a medical referee being given the duties hitherto carried on by the Registrar of Births, Deaths and Marriages. The Bill is really necessary because at present the Registrar of Births, Deaths and Marriages administers the Act, and he is not a medical practitioner. In consequence, there is great embarrassment, especially on holidays, when people cannot readily get in touch with the registrar or his office. It is thought that if the measure is brought under the medical profession these disabilities will be obviated and the administration of the Act will be much more convenient to the general public. I move—

That the Bill be now read a second time.

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

BILL—HOSPITALS ACT AMENDMENT.

In Committee.

Resumed from the 17th September. Mr. J. Hegney in the Chair; the Minister for Health in charge of the Bill.

Clause 2—Section 17 amended (partly considered):

Clause put and passed.

Clause 3—agreed to.

Clause 4—Section 31A added:

Hon. A. V. R. ABBOTT: The Bill makes it compulsory for the owners of any ship to provide hospital accommodation—or it might be so interpreted—for the crew, but there is no definition of ship in the Bill. A ship may mean, as far as I can ascertain, any vessel that is used on water. Small fishing ships might come within the provisions of the measure. The amendment I have on the notice paper is to ensure that this provision shall apply only to such ships as are now required to be responsible for the hospitalisation or the care and attention necessary for their crews whilst they are signed on as such. I move an amendment—

That in line 13 of Subsection (1) of proposed new Section 31A after the word "hospital" the word "and" be inserted.

The MINISTER FOR HEALTH: I have no objection to the amendment, as we have no wish to include small vessels such as fishing boats in the restrictions.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

That in line 13 of Subsection (1) of proposed new Section 31A after the word "ship" the words "is by law required to defray the expense of providing hospital service for him in respect of the hurt, injury, disease, or illness, the owner" be inserted.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

That at the end of Subsection (1) of proposed new Section 31A the following words be added: "Provided that in the case of British ships and Australian ships the fees to be charged under this subsection shall not exceed the fees which would have been charged had such master, seaman, apprentice, or other member of the crew been admitted to a public hospital by reason of a personal injury by accident for which he would be entitled to compensation under the provisions of the Workers' Compensation Act, 1912-1952."

I foreshadowed this amendment when speaking to the debate on the second reading and pointed out the injustice of singling out one industry and making it pay almost double the hospital charges paid by any other industry in this State. I think some of my arguments impressed the Minister, but I believe that he now feels that there is less merit in them.

There is a story behind the bringing down of this measure. When the hospital board at Fremantle endeavoured to extract the full hospitalisation costs from the shipping industry, the shipping companies protested that they were being discriminated against and in the correspondence between the board and the repre-

sentatives of the shipping companies it was established that the hospital board was endeavouring to extract the full hospital costs from this one industry.

As the shipping companies could not get the board to alter its view the following course was taken: The seamen had the accounts presented to them. They had to pay the accounts as patients and the shipping companies then reimbursed them. At no time did the companies try to avoid their obligations. The action taken alarmed the hospital board and the Minister, with the result that we now have the Bill before us. The shipping companies did not desire to have their seamen pay the bills to the hospital and then for the companies to recompense the seamen. That was too clumsy a method and I am certain that the hospital board did not desire to use that system either.

The Bill seeks to make the owner, or the agent of the owner, liable to pay the prescribed fees which, to the shipping industry, are £3 7s. 4d. a day for each day that a seaman spends in hospital. Thus the Bill will prevent the shipping companies from being able to recompense the seamen after they have paid their bills. The shipping companies are prepared to use the proposed system but at the same time this whole business highlights the injustice that is being done to one industry. Figures have been extracted from answers given by the Minister and at least 25 per cent. of all seamen treated in the Fremantle hospital are Australian citizens. Why should the shipping industry be forced to pay £3 7s. 4d. a day for injured seamen when other industries pay only 35s. a day for their employees. No member could justify that anomaly.

This is not a political matter but it is question of what is right or wrong. If action were taken to discriminate against any one section of employees everybody would be up in arms, but the Bill will enable discriminatory action to be taken against one particular section of industry. I hope the Minister will accept my amendment and not oppose it in its entirety. The Minister may have some justification for opposing that portion of it which deals with British ships, but I can see no justification for his opposing that section dealing with Australian companies.

Mr. Yates: What about the men from the State Shipping Service? Will they be penalised, too?

Mr. HUTCHINSON: Yes. It is a ludicrous state of affairs and my amendment will rectify the position, so I hope the Minister will accept it.

The MINISTER FOR HEALTH: I strongly oppose this amendment because the Bill has nothing to do with charges; it is a matter of clearing up a doubt as to whether the shipowners shall pay hospital expenses incurred by their employees direct to the employees or to the hospital. As regards the question of fees, the present state of affairs has been in existence since 1906 and my predecessor signed many Executive Council papers with regard to it. No discriminatory action is being taken, and, as far as I am concerned, I am sorry Clause 4 is in the Bill, because shipowners will still have to pay, as they have always done since 1906, direct to the hospital concerned.

Now they think they have found a loophole—but there is a doubt about that—and they have threatened to pay the expenses incurred by the injured sailor or employee direct to that employee and then allow him to pay the hospital. The department wanted a Bill introduced to make certain that for the future the shipowners would pay the expenses direct to the hospital, because that is the more convenient way to do business, and this measure will clear up any doubts as to whether the shipowners have power to pay the expenses incurred direct to the employees concerned.

Hon. Sir Ross McLarty: Why charge the seaman more than anybody else?

The MINISTER FOR HEALTH: It is a prescribed fee and we need not charge them all the same. As has been pointed out, only 25 per cent. of them are Australians. Why should an Asiatic or some other foreign seaman who makes no contribution to our revenue or to any community hospital, be charged less than the cost of maintenance?

Mr. Yates: But he might work for a British shipping company.

The MINISTER FOR HEALTH: It does not matter for whom he works.

Mr. Yates: It is British capital.

The MINISTER FOR HEALTH: The Minister may prescribe a fee according to the contributions such seamen make to the hospital fund. Why should we treat a patient at less than cost? Most Australian seamen make contributions to the fund.

Hon. A. V. R. Abbott: There is hardly one shipping company that does not make contributions to the fund.

Mr. Hutchinson: The shipping companies make contributions.

The MINISTER FOR HEALTH: The seamen are the patients, not the shipping companies.

Mr. Hutchinson: But the shipping companies make contributions. You are extracting money from the taxpaying companies.

The MINISTER FOR HEALTH: That has been done since 1906.

Mr. Hutchinson: Because it has been done for years does not make it right now.

The MINISTER FOR HEALTH: The Bill was introduced only to clear up a doubt as to whether the shipping companies were to pay the hospital expenses direct to the seamen or to the hospital concerned.

Mr. Yates: The shipping companies are not trying to dodge their obligations.

The MINISTER FOR HEALTH: This question is irrelevant because the clause was never meant to have any reference to finance.

Hon. Dame Florence Cardell-Oliver: Why did you put it in the Bill?

The MINISTER FOR HEALTH: It was to clear up a doubt.

Mr. Yates: The interpretation of the clause is open to doubt.

The MINISTER FOR HEALTH: The Commonwealth Merchant Shipping Act, the Commonwealth Navigation Act of 1912 and the State Marine Act of 1948 all have similar provisions in effect, namely, that the cost of maintenance and the hospital expenses of seamen shall be defrayed by the owner of the ship by the deduction of the amount involved from his wages. If we were to lose the clause it would make no difference to administration except that there may be a doubt as to whether the shipowners would pay the hospital expenses of any seaman direct to the seaman or to the hospital itself.

Mr. Hutchison: You wish that you had not inserted the clause in the Bill.

The MINISTER FOR HEALTH: It would have been better if it had been left out; I do not mind if we lose it.

Mr. Hutchinson: That is a supine way to rectify a wrong:

The MINISTER FOR HEALTH: The shipowners—

The Minister for Works: Did the Minister hear what the hon. member said?

The MINISTER FOR HEALTH: No.

The Minister for Works: Ask him to repeat it.

Mr. Hutchinson: Does the Minister wish me to repeat what I said?

The CHAIRMAN: I will ask the hon. member to repeat his interjection.

Mr. Hutchinson: I said that to allow the clause to be defeated is a supine way to rectify the problem.

The Minister for Works: I would not stand for that, even if the Minister for Health would.

The MINISTER FOR HEALTH: It is nothing of the sort. The shipowners are merely taking advantage of the clause—

Mr. Yates: The shipowners do not object to paying.

The MINISTER FOR HEALTH: They do not object to paying, but they are trying to get something at a cheaper rate than others who enter hospital on occassons.

Hon. Sir Ross McLarty: They are trying to get a rate that is the same as is charged to other members of the community.

The MINISTER FOR HEALTH: I do not think the Leader of the Opposition knows anything about the position.

Hon. Sir Ross McLarty: The Minister has put up a shockingly weak case. In fact, until he went back to his advisers, he knew nothing about the position.

The MINISTER FOR HEALTH: I have just as much backbone as the Leader of the Opposition, although I did give him credit for being fair. I am always prepared to stand up to my convictons either inside or outside the Chamber.

The CHAIRMAN: I would draw the Minister's attention to the fact that we are not discussing either his backbone or that of the Leader of the Opposition under this Bill.

The MINISTER FOR HEALTH: Well, I am discussing mine because it is not weak. Hereafter, the shipping companies will make payment of hospital charges direct to the board in respect of seamen who are brought ashore for treatment on account of illness.

Hon. Sir Ross McLarty: What does the member for Fremantle think about that?

Hon. J. B. Sleeman: I will tell you what I think when the Minister sits down.

The MINISTER FOR HEALTH: The amendment is only a means of taking advantage of a clause that was inserted in the Bill to clear up a doubt as to whether the shipping companies should be permitted to pay the hospital expenses resulting from a seaman's illness direct to the seaman or to the hospital concerned. Therefore, the member for Cottesloe has no ground for complaint. He has been prompted by some wise counsellor to put forward these grievances in order that he may bask in the glory of the shipping companies represented.

Mr. Yates: Similar to the Conservator of Forests.

The MINISTER FOR HEALTH: I think we should have more clear thinking on this.

Hon. Sir Ross McLarty: Hear, hear!

The MINISTER FOR HEALTH: If there is clear thinking, it is one-sided, because the members opposite are either not thinking of the purpose of the clause, or else they are not honest.

Hon. Sir Ross McLarty: I have never before seen you in such a fighting mood.

Hon. L. Thorn: It is as clear as mud.

The MINISTER FOR HEALTH: It might be as clear as mud to those who do not understand it. However, they should get on their feet and explain the position themselves. The Bill does not seek to fix any rate.

Mr. Hutchinson: No one suggested that.

The MINISTER FOR HEALTH: All that it tries to do is to clear up a doubt as to who will pay the fees.

Mr. Hutchinson: What are the fees prescribed in the Bill for the shipping industries?

The MINISTER FOR HEALTH: There are none.

Mr. Hutchinson: What are the prescribed fees charged by the Fremantle Hospital?

The MINISTER FOR HEALTH: The fees may be prescribed but they are not in the Bill. That has nothing to do with the Bill at all. The cost of treatment is not the subject of this Bill.

Mr. Hutchinson: Is the amendment in my name irrelevant to the Bill?

The MINISTER FOR HEALTH: I would say it is, because it has only one purpose. The hon. member can, and has, taken advantage of the drafting of the Bill. It would have been better had we not included the clause in the measure at all. If we agree to the amendment, it will be unsatisfactory because people from overseas will receive treatment at a cheaper rate than those who are contributing to the revenue of the State. With the exception of a few, most of these people are outside the scheme and cannot come within its scope. I oppose the amendment.

Hon. Dame FLORENCE CARDELL-OLIVER: The Minister has suggested that clear thinking is needed. I think a little psychiatry is needed. We seem to be at loggerheads about what we really mean. The Minister states that the reason for the Bill is that the shipping people object to having to pay for seamen. That is not so, and the position was made clear by the member for Cottesloe when he moved the amendment. I have letters here which indicate that the shipping people are quite willing to pay.

The Minister for Health: They have notified the department.

Hon. Dame FLORENCE CARDELL-OLIVER: The Minister bases his arguments on the words "prescribed fee." The other day, the Minister told us about the number of British people who come to Western Australia. I have not the numbers with me, but it seems unfair that one fee should be prescribed for them under the Workers' Compensation Act and another for seamen. Some time ago, we had difficulty in getting sufficient steel in Western Australia and it had to be brought from the East by road. The cost of hauling it across was £53 a ton, and this, of course, was added to the price that people in Western Australia had to pay. However, when it was brought by sea, it cost £6 18s. a ton. That made a great difference to people in this State.

The Minister for Health: That has nothing to do with the Bill.

Hon. Dame FLORENCE CARDELL-OLIVER: It has a lot to do with the Bill, inasmuch as, had the man bringing the steel by road, say, to Kwinana, had an accident when delivering it, he would have been covered by the Workers' Compensation Act, and if he went into hospital at Fremantle, he would have paid 35s. a day. If it came by sea, however, and an accident had occurred, the shipping people would have been charged £3 7s. 4d. a day, even although the steel was being brought in at a cheaper rate and was thus of great benefit to the State.

The Minister for Health: You prescribed that fee.

Hon. Dame FLORENCE CARDELL-OLIVER: As the Minister says, it is the prescribed fee. The reason for this Bill is that there is a board at the Fremantle Hospital which can levy the prescribed fee, but the Minister is also arranging one for Wooroloo, which has no board and is controlled by the Minister.

The Minister for Health: You are on the wrong track.

Hon. Dame FLORENCE CARDELL-OLIVER: I am sure I am right. There is a certain amount of Commonwealth control at Wooroloo, but it is very little. It is the Minister who is responsible. At Fremantle, we find the prescribed fee is £3 7s. 4d. Many of the other hospitals are cheaper. Why?

The Minister for Health: You were the Minister.

Hon. Dame FLORENCE CARDELL-OLIVER: As the Minister knows, at the Mount Hospital the charge is £2 to £3; at St. Helen's, it is £1 18s. to £2 1s.; at St. John of God, it is £1 7s. to £2 8s. The prescribed fee is indeed a high one. Why are these people singled out and told they must pay under the terms of the Navigation Act? They are the only ones in Australia so treated. I took the trouble to get in touch with the other States last week and it is remarkable to note the different way they are treating their seamen.

The Minister for Health: This does not affect the seamen two iotas.

Hon. Dame FLORENCE CARDELL-OLIVER: In Sydney the charges are 16s. a day for all Australians and 24s. for foreigners. Under the Workers' Compensation Act the figure is 25s. per day. In Melbourne the cost is higher than in most of the States, but it includes free service by doctors, x-rays, theatre accommodation, etc. It works out at £25 a week. In Brisbane there is no charge for seamen. In Adelaide there is no charge for Australian seamen who are in-patients, but out-patients are charged.

When all the other States can do something for the seamen, surely we can do so as well. Seeing that we are more dependent than the Eastern States upon the sea and the services of seamen, we are

the people who should be holding out our hands to them and telling them that we will treat them free here. Instead, we charge our own men who go to the North in our own ships and who are taxpayers. All of these Australians are taxpayers somewhere in the Commonwealth.

The Minister for Health: What did you do about it? Why did you sign the Executive Council papers?

Hon. Sir Ross McLarty: If it is wrong, let us right it.

Hon. Dame FLORENCE CARDELL-OLIVER: If I had been sitting in the Minister's place, I would not have taken the advice he is accepting. I would have tried to do something for the seamen because, having been Minister for Supply and Shipping I know how much they did for Western Australia at a time when we badly wanted certain cargoes. If I could have helped in any way to secure a reduction of the tremendous fee they are being charged, I would have done so. The prescribed fee was about £2 or less when I relinquished office. Today it is £3 7s. 4d. and the cost is mounting.

The Minister for Health: It was still the cost when you signed the papers.

Hon. Dame FLORENCE CARDELL-OLIVER: I regret I did not do something before, but the fees were not nearly so high as they are today. I hope the Minister will see his way clear to drop this part of the Bill. I gladly voted for the first clause, because I realised the Minister wanted the money to do what he could for the Royal Perth Hospital; but I feel that it would be very gracious of members on the other side, especially those connected with the sea, to allow this clause to fade away.

Mr. HUTCHINSON: To a certain extent the Minister and I have been at cross purposes. The Minister has confined himself to the purport of the Bill as it was submitted, and he is endeavouring to continue doing that. Granting that the amendment I have submitted has not anything to do with the Bill—though, incidentally, I do not grant anything of the kind at all—does that mean that we can lightly disregard our responsibilities now that we have an opportunity to take some action?

The amendment endeavours to cancel out discriminatory action that has been taking place over a number of years. It is all too rarely that in this place we have an opportunity to decide an issue on its rights or its wrongs. Here, however, is an instance when the Party Whip has no need to crack, and this amendment can be viewed in the light of one's highest principles and as being entirely devoid of any brand of politics.

I am inclined to think that, when I made my second reading speech, several members agreed that an injustice was being done in singling out one industry to pay higher hospital charges. I admit that has nothing to do with the original Bill. But let us go back. I have no justification for so feeling, but I do believe that some members realised that an injustice was being done and should be rectified if possible. Members have had their eyes opened, and they must now be judges of their own action if they vote against the amendment. The Minister has said that the amendment is more or less irrelevant to the purpose of the Bill, but what does the Bill say?

The clause provides that the owner of the ship and the agent of the owner are jointly and severally liable to pay to the board the prescribed fees for any hospital service. The prescribed fee for the shipping industry at present is £3 7s. 4d. per day for each individual receiving hospital service. That is almost double the £1 15s. per day charged to all other workers who are hospitalised under the Workers' Compensation Act. This amendment is an attempt to avoid any discrimination and so put seamen on a par with railway employees, mineworkers or any other workers hospitalised under the Workers' Compensation Act.

Mr. Heal: Does the board or the Medical Department fix the fees?

The Minister for Health: The Medical Department subject to the Minister.

Mr. HUTCHINSON: The Act states that the board has the power to prescribe the fees.

The Minister for Health: But the matter has to go to the Minister.

Mr. HUTCHINSON: The shipping industry is already under much greater obligations than is any other industry with regard to the welfare of its employees. If a seaman suffers from appendicitis, he has to be put ashore and the industry is liable to pay the full cost of his hospitalisation. This applies irrespective of whether the seaman is on or off duty. In addition, the shipping industry is under an obligation to transport sick and convalescent seamen to their home ports.

Now, however, it is proposed to charge hospital fees double those charged to any other industry. We should endeavour to cancel out the discrimination that is proposed. We should not be blind to our obligations. The Minister for Works took me up by saying we were endeavouring to escape from the problem, but that is a weak way of endeavouring to circumvent my amendment. The Minister for Health is prepared to allow certain conditions to continue as between the shipping industry and the hospital board.

The Minister for Health: You are only guessing now. In administering the Act, I am guided by merit. I accept advice, but exercise my own judgement.

Mr. HUTCHINSON: I am not denying that.

The Minister for Health: But you are implying that I am guided wholly and solely by the department.

The CHAIRMAN: Order! The hon. member's time has expired.

Hon. Dame FLORENCE CARDELL-OLIVER: There is no party feeling in this matter and we are certainly not against the Minister. I am keenly anxious to obtain goodwill and to do as other States have done. Our men who serve on the State ships should be treated just as are men who come under the Workers' Compensation Act. I do not see why the State Government, for instance, should have to pay the £3 7s. 4d. in respect of seamen who are taxpayers of the State. To insist on that would be absurd. If the Minister accepted the amendment, the whole matter would be cleared up satisfactorily.

Hon. J. B. SLEEMAN: Many people consider that the board prescribes the fees. My opinion is that the Medical Department does so. Irrespective of whether there is a hospital board, the same fees are prescribed. The member for Cottesloe is a member of the Fremantle Hospital Board and by interjection the other night he indicated that he was not in agreement with it. He did not say that he disagreed, and he may escape by saying that he did not understand what was intended. Other members of the board understood the position. Some time ago the Fremantle board agreed to abolish the admission fee charged to visitors to the sick, but in a couple of weeks the charge was restored at the instigation of the Medical Department. I say that the board has no power at all in these matters.

The MINISTER FOR HEALTH: There will be no discrimination. The huge and wealthy shipping industry is not comparable with other industries in the State, the employees of which live here and make their contribution to society in the form of rates and taxes. The shipping people, generally speaking, live in some other country.

Hon. A. V. R. Abbott: And they pay taxes.

The MINISTER FOR HEALTH: They foster the big fat man.

Hon. A. V. R. Abbott: Do not talk like that!

The MINISTER FOR HEALTH: That is what the hon. member is doing. I have to sanction these charges, though the last word rests with the Executive Council. We have power to prescribe fees in accordance with the nature of the industry. The Bill was introduced for the sole purpose of clearing up doubt as to the responsibility of shipowners in relation to employees requiring hospital treatment.

Hon. Dame FLORENCE CARDELL-OLIVER: We are not getting anywhere. The Minister has spoken of the Hospitals Act. That measure provides that the Government may appoint a hospital board, and if no board be appointed, the Minister shall control the hospital. The Minister controls Wooroloo, which deals with a good many seamen. Under the Act the Minister has all the powers of the board. The Fremantle hospital is an example of a public hospital where there is a board. Wooroloo Sanatorium is an example of a public hospital where there is no board and the Minister controls the institution. Section 22 of the Act provides that a hospital board may make by-laws prescribing what fees shall be payable, etc. The Act does not require these by-laws to receive the consent of any Minister, or the Governor.

Section 36 of the Interpretation Act provides that the by-law must be published in the "Government Gazette" and shall take effect and have the force of a law from the date of publication. This section also provides that the by-law must be laid before both Houses of Parliament. The summing up is that a hospital board can alter its charges as it pleases, without the consent of the Minister or the Governor. A hospital board should gazette its fees and all charges.

A hospital board makes its own by-laws by simply carrying a motion at a meeting, recording that motion in a minute book and then gazetting it. When the by-law before the House refers to prescribed fees, it refers to the fees of a hospital board, fixed as I have mentioned, and Parliament may disallow the by-law. It may be said that the Medical Department fixes these fees, but it is the board that does so.

The Minister for Health: Who is your authority for all this?

Hon. Dame FLORENCE CARDELL-OLIVER: It is the Hospitals Act, but I am not saying who did the summing up. The Minister knows perfectly well that if he said there would be no discrimination but that he would allow the seamen to be charged as under the Workers' Compensation Act, he would influence the people in his department and have it done.

Hon. D. Brand: I believe the Minister thinks that way, too.

The Minister for Health: You would be penalising your own subscribers.

Hon. Dame FLORENCE CARDELL-OLIVER: The Minister spoke about the rich companies. The Minister is a rich man, but he evidently has no shares in a shipping company because the shareholders do not get great returns from such companies. The State Shipping Service lost £500,000 last year. I would not like members to leave until they decide to do what the amendment seeks.

Mr. HUTCHINSON: The member for Fremantle raised the point of what a hospital board could do in the matter of prescribing fees. Section 22 of the parent

Act provides that a board may from time to time make by-laws prescribing what fees shall be payable for hospital service by any public hospital under its control. That clears up the legal point there, but it is only a minor point and has nothing to do with the main question before us. The Minister said I was prompted to take this action. I can assure the Committee I was not prompted by anyone. I do not deny that I contacted as many people as I could, but the idea of the amendment to exclude these two sections of the shipping industry from having to pay the double charge was entirely my own.

The Minister for Health: There is no esprit de corps as far as your hospital is concerned.

Mr. HUTCHINSON: I take all the blame for not having realised the injustice of this before. The fact that I am doing this now means that I am doing it so many months too late. Should the Committee not see fit to iron out the injustice, I shall do all in my power on the Fremantle Hospital Board to overcome the problem. I believe the Committee can rectify a great injustice. Does the Minister think it right that the Australian shipping industry and the 41 Australian seamen who were in the Fremantle hospital last year should be charged at the rate of £3 7s. 4d. per day?

The Minister for Health: I was not the Minister who prescribed it.

Mr. HUTCHINSON: It does not matter who was the Minister.

The Minister for Health: Ask the Minister who prescribed it!

Mr. HUTCHINSON: It appears that the Minister for Health will not give an answer to my question.

The Minister for Health: It would depend on my point of view when the matter came before me.

Mr. HUTCHINSON: Does the Minister think it right that 41 Australian seamen who were so hospitalised last year had to pay almost double the fees charged to any other of our workers?

The Minister for Health: They did not have to pay the fees.

Mr. HUTCHINSON: Do Australian seamen who go to the hospital receive the benefits of the Commonwealth health scheme or do the shipping companies recoup themselves to the extent of the 8s. per day and/or the extra 4s. per day?

The Minister for Health: If the seamen are definitely residents of Australia, they can do so.

Mr. HUTCHINSON: It would be absurd to ask visitors to this State to pay double the normal fares on our railway system, and it is almost as absurd to endeavour to extract from the shipping industry the losses shown by our hospitals. I am asking members to decide on a clear question of right and wrong. I hope the Premier will take a hand in this matter and investigate it further because if the amendment is not agreed to, this Chamber will have missed an opportunity to do what is right. I hope members opposite will not follow the Minister blindly, but will vote for the amendment.

The PREMIER: As the shipping companies are in a position different from that of ordinary companies, I think they should be made responsible for the hospital debts of their employees and I hope the amendment will be defeated.

Hon. Dame FLORENCE CARDELL-OLIVER: I am sorry the Premier has taken up his present attitude, as I hoped he would see the logic of what members on this side of the Chamber have had to say. For the information of members, I will tell them the numbers of these seamen hospitalised in various hospitals last year. At the Royal Perth Hospital there was only one European seaman. At Fremantle there were 41 Australian, 67 British, 31 European and 19 Asiatic seamen. At Geraldton there were 12 British, six European and seven Asiatic seamen. At Bunbury there were 10 British, three European and one Asiatic seamen, while at Albany there were three British and one European. At each of those hospitals the charge is different. It appears that the Government intends to charge at Fremantle the £3 7s. 4d. per day and the figure is rising all the time. I feel that these seamen should be put on the workers' compensation rate and I hope the Minister will give consideration to all that has been said, and agree to the amendment.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HUTCHINSON: I am disappointed at the attitude adopted by the Minister in that he not only opposes the amendment, but also does not show himself to be in any way amenable to a modification of the clause so that only Australian shipping companies could be excluded from paying charges double those that other industries have to pay. I am also surprised at the Premier's attitude when he said that shipping companies are in a different position from that of ordinary companies.

That is only partly true because I fail to see how shipping companies differ from Australian companies that conduct their operations on land. The Premier also said that shipping companies should be responsible for the debts they incur. I agree, but I do not feel—and I doubt whether the Premier does either—that this one industry should be singled out to meet hospital charges double those which other industries pay. I hope other members will not take the Premier's remarks as an indication that they must vote against the amendment and that they will see justice is done.

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

Ayes	16
Noes	16
A tie	0

Ayes.

Mr. Abbott	Mr. Manning
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Yates
Mr. Hutchinson	Mr. Bovell (*Teller.*)

Noes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. May (*Teller.*)

Pairs.

Ayes.	Noes.
Mr. Cornell	Mr. Hoar
Mr. Owen	Mr. Johnson
Mr. Mann	Mr. Lawrence
Mr. Wild	Mr. McCulloch
Mr. Ackland	Mr. Guthrie
Mr. Nalder	Mr. Tonkin
Sir Ross McLarty	Mr. Hawke

The CHAIRMAN: The voting being equal, I give my casting vote with the "Noes."

Amendment thus negatived.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th September.

HON. A. V. R. ABBOTT (Mt. Lawley) [7.40]: This Bill is of more than ordinary importance to the community because indirectly it is a taxing measure, and it also affords protection to a certain class in the community under certain circumstances. So there are two points of view to be considered. When a worker is injured, we are naturally sympathetic and like to ensure that he and his dependants receive the maximum consideration commensurate with the thought that the community at large has to pay, and the community at large includes many workers on the basic wage and others on a small margin above that wage.

We must look to the interests of those people because workers' compensation is paid at the production end. It is paid by those who employ workers, and it is one of the overheads that have to be taken into consideration in computing the cost of the goods produced or of the services rendered by those workers; and that cost has to be paid by the whole community. So there are two aspects to be considered, and we have to try to hold the scales fairly between both sides.

Hon. J. B. Sleeman: Do not you think that this Bill is fair?

Hon. A. V. R. ABBOTT: I will tell the hon. member later.

Hon. J. B. Sleeman: "The West Australian" seems to think there is not much wrong with it.

Hon. A. V. R. ABBOTT: The scales have to be held evenly between both sides. We should get it out of our heads that this is a charge on a certain section of the community. Actually it is a charge on industry, and industry must of necessity pass that charge on to the community so that it is paid by the worker on the lower scale of remuneration, as well as by the person on the higher scale. We all pay our share of this social service, which I think is very warranted, for the benefit of those who are injured in the course of their employment.

It would have been pertinent for the Minister to give us some idea of the increased cost to industry which will result from this Bill, but he did not do so and as far as I can ascertain—I may be doing him an injustice in this connection—he has given no consideration to the matter at all. He apparently looked upon it from the point of view of one side alone, and in that case I think he was not doing his duty to those who have to contribute to this particular social service. I would have liked some estimate of the additional cost to the community of these new allowances, because they will be—they must be—very considerable.

The cost to the community of workers' compensation is already fairly large; and, as the Minister knows, it is quite an appreciable item in the cost of production and distribution, and the cost of services. In the circumstances, one might have expected to receive some more information on this point. Through the Bill, the Minister wants to throw this social service open to those receiving £2,000 per year. That would mean a pretty considerable sum of money for the lower-paid members of the community to have to contribute. Is it quite fair that the basic-wage earner should have to contribute to social service for a man who is on £2,000 a year?

Mr. Moir: What about the employers? Is it not the employers who contribute?

Hon. A. V. R. ABBOTT: No. It is one of the overheads of industry. The hon. member knows very well that this sort of charge must necessarily be passed on. Admittedly it is passed to the insurance companies, including the State office, and they average it; but it is definitely a charge on industry and the community, on every user of services and goods, including, of course, the basic-wage earner and lower-

paid workers. Is it fair that they should have to contribute the same as the hon. member and I?—because the cost is added to the cost of goods and services and the lower-paid workers, who supply most of other workers or any person on a remuneration of £2,000 a year.

Is it fair that those on lower incomes should have to contribute to the social services for the benefit of persons who are extremely fortunate in being able to earn £2,000 a year? Those folk are indeed in a very fortunate position. I do not grudge them their remuneration, because if a man is in receipt of such a sum, there is no doubt that the skill he has to employ in earning it entitles him to receive it. But I do not know that such persons should expect to have social services provided for them at the expense of the lower-paid workers, who supply most of this money, since the workers on moderate incomes are the greatest consumers of services and goods, and not the persons on £2,000 a year, because there are not very many of the latter. Is it fair that men on average incomes should be asked to contribute to the benefits received by those on £2,000 a year? I doubt it. It would have been better if the Minister had based the increase on the "C" series index of the cost of living, and said that as that cost had increased by 20 per cent. in 12 months, the present figure of £1,250 should be increased by the percentage.

The next provision in the Bill is a little unreasonable, having in mind the fact that those who contribute the bulk of the money for this social service are those on the lower range of income. Is it fair that they should be asked to pay for, or contribute to, benefits for dependants of persons who have not been in the country very long, those dependants living in places like Poland, Yugoslavia, Russia and other foreign countries? Those countries at present have not reciprocity under the Act.

Mr. Moir: What about Great Britain?

Hon. A. V. R. ABBOTT: It is fully protected because there is reciprocity between Great Britain and Western Australia.

Mr. Moir: Is there reciprocity?

Hon. A. V. R. ABBOTT: Yes.

Mr. Moir: How long since?

Hon. A. V. R. ABBOTT: As far as I know, there has always been reciprocity.

Mr. Moir: That is one you do not know.

Hon. A. V. R. ABBOTT: The hon. member is very well versed in industrial law.

Mr. Moir: New Zealand is the only country with which we have reciprocity.

Hon. A. V. R. ABBOTT: Is there not reciprocity between Great Britain and this State?

Mr. Moir: You were the Minister, and should know.

Hon. A. V. R. ABBOTT: I was under the impression that there was. If not, there is no reason why there should not be. I always understood that British people were fully protected.

Mr. Moir: Would you include South Africa, Canada and other British Commonwealth countries?

Hon. A. V. R. ABBOTT: I would include any country that extended to the workers and Australian citizens equal protection to what we are giving. Why should the workers of this State be charged to protect someone who is resident in a foreign country when that country does not give like protection to an Australian citizen working there?

The Minister for Railways: Why should the children of a man in Italy starve when they are—

Hon. A. V. R. ABBOTT: I do not see why they should starve, but why should an Australian citizen's children be unprotected in Western Australia because he happens to be working in Italy.

The Minister for Railways: Two wrongs do not make a right.

Hon. A. V. R. ABBOTT: That is so, but there is a limit to the protection this State should give to people living elsewhere. Why should we have a higher standard of living than the people in Italy? Why should we not admit Asiatics and Italians en bloc, and give them a better standard of living?

The Minister for Railways: That has nothing to do with this.

Hon. A. V. R. ABBOTT: Yes, it has. This State has a standard of living, and what we are discussing represents part of that standard which is paid for by the citizens of this country. It is not unreasonable to expect that there should be reciprocity before the citizens of Western Australia are asked to pay for persons resident outside. That is my view. I come to the maximum amount for an individual, under the Act, excluding dependants. It is proposed to increase it from £1,750 to £2,800. I think there should be some increase. We again have to adopt a figure that is balanced because after all, we have to do justice to both sides. I do not know that if we raised the amount proportionately by the increase of the "C" series index figures during the last 12 months, it would be unreasonable. We must have some guide, but the Minister did not suggest any. We cannot just take a figure out of the blue, as the Minister did. He said that Victoria did that, and it was all right.

Mr. Moir: How did the previous Government arrange it?

Hon. A. V. R. ABBOTT: The previous Government increased it mostly by the increase in the "C" series.

Mr. Moir: That was in the same proportion.

Hon. A. V. R. ABBOTT: Yes.

The Minister for Railways: Keep them on the breadline!

Hon. A. V. R. ABBOTT: The Minister calls it the breadline.

The Minister for Railways: It is nothing above it.

Hon. A. V. R. ABBOTT: I would not call it being on the breadline.

Hon. D. Brand: Of course it is not on the breadline.

Hon. A. V. R. ABBOTT: Do not forget this: Who is going to pay it?

The Minister for Railways: In the final analysis, the man pays it by the dividend from the sweat of his brow.

Hon. A. V. R. ABBOTT: He does, and we have to do justice to all those people who are paying it with the sweat of their brow.

The Minister for Railways: We have to do justice to the injured man.

Hon. A. V. R. ABBOTT: Yes. I am not suggesting that this is a simple problem, because it is not. I again suggest it should not be a political one. This is not something for which any particular class in the community pays. The whole community pays for this, but the lower wage-earners pay most because there are more of them. Of course, they probably get more of the benefits, too. I suggest that a reasonable figure would be £2,100, which again is a 20 per cent. increase. I do not think that is unreasonable. It is higher than the New South Wales figure, and higher than that in most of the other States. I know that recently the Victorian Act has been amended.

The Minister for Labour: Do you know there is no limit to compensation in New South Wales?

Hon. A. V. R. ABBOTT: No.

The Minister for Labour: There is no limit.

Hon. A. V. R. ABBOTT: There is on death.

The Minister for Labour: That is the finish.

Hon. A. V. R. ABBOTT: In that State, it is £2,000 on death, plus £75 for each child. I have suggested that we should provide for a 20 per cent. increase, which would be a reasonable charge on the community. That would raise the amount to £2,000 or £2,100. I think that to increase it to £2,800 is going a little further than is essential.

It is proposed to bring in the mining clauses—I call them the mining clauses because so far they have related only to mining—dealing with silicosis and pneumoconiosis. The Bill also talks about including the iron and steel industry. No one knows what the iron and steel industry is. If we hammer a tack, we are dealing with iron or steel. The Minister has placed something in the Bill, and it will take months of legal interpretation to know what it means. He did not place the slightest evidence before the House to show that pneumoconiosis or silicosis was an occupational disease of any particular section of the iron and steel industry—not even with respect to the smelting of iron.

There is no known case of either disease, as far as I know, at Wundowie. There certainly was not during the period I was in charge of the State Insurance Office. I never heard of one. Why the sudden idea to use this term? I do not know. What is more, I do not know what it means. Until we have some proof, by medical evidence, that a particular disease is likely to be an occupational disease of an industry, I do not think the provision is warranted. I believe it will lead to a great deal of confusion. We do not know what the insurance rates would be, or the risk, or what would apply.

It would also cause another difficulty, because, up to date, where we have provisions dealing with pneumoconiosis and silicosis, the men concerned are examined before being allowed to go into the industry. They are examined periodically while they are in the industry and, as soon as they have contracted the disease, or after it has reached a certain stage, they have to leave the job. There is no such machinery for a similar examination in any other industry. Does the Minister propose to examine everyone in a moulder's shop, for instance? That might be a part of the iron industry. Does the Minister propose that every moulders' shop shall be classed as part of the iron industry?

An employer would certainly have to ensure, before he engaged any worker, that the man was not infected. If a man were infected before he entered the industry there would be a responsibility for benefits, so I think this is a provision which is absolutely unwarranted. If there is an industry in which there is danger of a trade disease, no one wants to prevent protection being given. But there is no proof that there is any danger in the iron and steel industry; in any case, I do not know what the term means.

If one says that there is danger at the Midland Junction workshops, I have no knowledge of it. That is part of the iron and steel industry. Moulders' shops and foundries are also part of the iron industry, but I do not know of any danger of disease in those establishments. There has been no complaint about Wundowie, and so I do not think the provision in the Bill is necessary.

Mr. O'Brien: Prevention is better than cure.

Hon. A. V. R. ABBOTT: I think so, too, but one must have reasonable proof about these matters. We might as well include drapers' shops because we want to prevent any chance of employees in

that industry being outside the scope of the provision. But surely members can see the difficulty. When a provision such as this is included, an employer has to ensure that a man he engages is not suffering from disease.

Mr. O'Brien: Every employer in the mining industry must ensure that the men whom he engages are examined before they are employed.

Hon. A. V. R. ABBOTT: And the same thing will have to apply in the steel industry, if this provision is agreed to. A good deal of unnecessary expense would be involved and in my view everybody connected with the industry would be caused inconvenience.

Apparently there is some objection about persons selecting two companies to handle their insurance business. I do not see any great objection to it. We must remember that the Act provides that any company registered for workers' compensation business must accept all the business that is offered to it, other than that dealing with silicosis and pneumoconiosis. Therefore I cannot see any reason for the provision in the Bill. A worker will get full protection because if any employer goes to an insurance company and asks for cover, the company must provide that cover at the rate prescribed by the Premium Rates Committee.

Mr. Moir: Do you believe that one insurance company should have to cover all the bad risks and the other insurance companies should be able to take all the good risks?

Hon. A. V. R. ABBOTT: No, but I cannot see any distinction because the Premium Rates Committee fixes the premiums according to the risk in the industry. As far as I can see, there is no distinction in the cost ratio of any industry; there should not be, because the industry that has the greatest risk has the heaviest premiums, and so on. If, for some reason, an employer wishes to divide his business, why should he not be permitted to do so?

Mr. Moir: Why did the State Insurance Office come into being? Was it not because other insurers would not cover certain types of industries?

Hon. A. V. R. ABBOTT: I had a lot to say about the State Insurance Office when dealing with the measure introduced the other evening, and I do not propose to go over the same ground again. Some companies have interests all over Western Australia and they cover many types of businesses. Is there any particular reason why one side of the business should not be in the hands of one insurance company which may have been handling that business for many years? One employer might be carrying on business in one portion of the State and one company would be carrying the risk while in another portion of the State another insurance company might be handling the risk connected with his business in that area. I cannot see anything wrong with that. The Minister wants to ensure that all an employer's business is handled by only one insurance company.

A man might be carrying on a butchering business at Kalgoorlie and be engaged in the dairying industry at Busselton. Is there any reason why such an employer should be forced to take all his business to one insurance company? I think this would be a most objectionable provision, and it is wrong to have one class of insurance loaded to provide a cheaper risk for another class. Every workers' compensation risk should bear its fair proportion of the cost and I do not think any useful purpose will be served by the provision in the Bill. It is a restraint on trade, a very unnecessary one, which might cause a good deal of inconvenience. Therefore I can see no reason why we should agree to it.

There is another provision which, to all intents and purposes, will give the Minister authority to fix the rate in respect of the premium to be paid for pneumoconiosis and silicosis. This seems at variance with the policy of the Act in the past. Surely if it is a fair thing to require a private company to accept the rates fixed by the Premium Rates Committee, it is only fair to provide that the State Insurance Office shall do likewise. I know that the State Insurance Office does not always agree with the Premium Rates Committee.

Mr. Moir: Do you know of any private insurance company that covers the risk of silicosis?

Hon. A. V. R. ABBOTT: No.

Mr. Moir: It is only the State Insurance Office that does that.

Hon. A. V. R. ABBOTT: That is so. But why should not the rates of the State Insurance Office be fixed in the same way as the rates of the private companies? Why should one be fixed by the Minister, and at his discretion?

Mr. Moir: This would be after consultation with mining companies.

Hon. A. V. R. ABBOTT: What is "consultation?" The final decision rests entirely with the Minister and, to my mind, that is a wrong principle. There is already provision in the Act—and this was inserted at my instigation last year—that the Premium Rates Committee shall take into consideration proper actuarial information and I think that should still apply. I see no reason why a private insurer should have to go to the Premium Rates Committee while the State Insurance Office merely has to approach the Minister. If the Government does not approve of the committee it should set up a new body to fix the rates. But do not

let us have the Minister fixing some rates while the committee fixes others. That does not seem right at all.

Mr. Moir: The Premium Rates Committee cannot alter the premium rates except by actuarial valuation, or with the approval of the Minister.

Hon. A. V. R. ABBOTT: The committee requires actuarial support.

The Minister for Labour: Or the approval of the Minister.

Hon. A. V. R. ABBOTT: Yes.

The Minister for Labour: You said that he did not have the authority.

Hon. A. V. R. ABBOTT: I did not. The point is that the Premium Rates Committee should have all the possible information before it in an important matter such as this.

Mr. Moir: Do not you think that there should be some provision to make sure that it is advised and that it takes notice of that advice?

Hon. A. V. R. ABBOTT: Yes. The committee must do that and there is provision for it in the Act now. I introduced the provision last year and it was agreed to by both Houses. I do not think that the rates of the State Insurance Office can be fixed purely at the discretion of the Minister. After all, people have to pay these rates and such a difficult question should not be in the hands of the Minister who would have to act on the advice of the experts in the State Insurance Office. Surely the Premium Rates Committee, which has an independent chairman—the Auditor General—and includes representatives of the insurers, is a competent body to do it. If it is not, let us get another body, but do not put such authority in the hands of the Minister. That is certainly not advisable.

It is intended, under this Bill, to protect ex-nuptial children. That was debated on very open lines when the last Bill granting increases was before this House. I have not any strong views either way but it was suggested that this is a family social service and it might not be advisable to include ex-nuptial children who might be granted benefits at the expense of legitimate children. That could happen.

Mr. O'Brien: It has happened, too!

Hon. A. V. R. ABBOTT: That might be so and I doubt whether this provision is advisable. One should have the deepest sympathy for children born in such circumstances but, on the other hand, I suppose we have to stick to certain principles, and this Act must look after the family and protect it to the greatest possible extent. If we are going to bring in other children who may be born outside the family circle, it is possible that the legitimate children and the widow might have to bear the brunt of it. On the whole I do not think the principle in the Act requires to be disturbed.

Now we come to a more contentious and more difficult question to decide. The principle of compensation was to give to a worker who had been injured, assistance during such time as he was unable to engage in his employment and to assist him, of course, with respect to expenses occasioned in consequence of his injury. In my view, it was not intended, however, to take it further than that. If we are going to remunerate him and protect him to the same extent as when he is working, I do not think it would be advisable, human nature being what it is. A man would consider it very attractive to receive practically the same remuneration when he is doing nothing as when he was working, and he might consider it would be well to remain that way.

As members know, the medical profession replies very largely on the oral information given to it by patients. It is impossible to diagnose conditions unless the reports of the patients are faithful. Everybody knows that. A doctor cannot tell the condition of a patient, in many cases, unless the patient has given him an accurate description. We know that is one of the difficulties in diagnosing any disease. A doctor should be able to get an accurate and not an imaginative description of the patient's complaint, and that is definitely one of the difficulties of diagnosis. It applies to workers' compensation cases.

We should give a worker all the encouragement to get back to his work while at the same time protecting him to a reasonable extent while he is out of employment. If a man is given 66⅔ per cent.—which has been the custom for many years and has been established on a firm basis—I do not think it is unreasonable.

Mr. O'Brien: I think it is very unreasonable these days.

Hon. A. V. R. ABBOTT: If a man is getting 66⅔ per cent. of what he normally earns, it is a very satisfactory safeguard, is it not? Most people who suffer from ordinary sicknesses have to give themselves protection; not that it is not desirable that everyone should have the maximum protection. We also have the hospital benefits scheme that provides protection to some extent if one is ill. Though it does not protect us in respect of our remuneration, it protects us regarding hospital and medical expenses and medicines. But if one is unfortunate enough to be ill, then in many cases one's remuneration ceases. If one is sick as a result of some accident, I do not know that one would be harshly dealt with if one was recouped hospital and medical expenses, and did not pay anything for the protection, except indirectly, and, in addition, got 66⅔ per cent. of one's

remuneration. I feel that should be sufficient. The Minister proposes to increase the amount to 80 per cent. and I do not think he has had regard to the burden that will be imposed on the people who have to pay.

Mr. Lapham: The maximum is £8.

Hon. A. V. R. ABBOTT: That is so.

Mr. Lapham: The 66⅔ per cent. does not apply.

Hon. A. V. R. ABBOTT: Yes, it does. I will deal with the question of the payment of £8 a week presently. If I remember rightly, under the present Act the provisions are £10 for a married man with dependants. It must be admitted that some distinction is reasonable. The man who most needs this social service is the family man, the married man with dependants, because he usually has to shoulder greater responsibility by far than the single man. Accordingly I think we must accept the fact that there should be some distinction in the maximum that can be received. However, I consider an increase should be made to the £10 and I feel that a 20 per cent. increase should be sufficient. That would mean that a single man would receive £8 16s., and a married man £12 16s. I am taking the 20 per cent. increase right through. We must not forget that if someone is insured for £2,000 and gets 80 per cent., he could remain on a compensation return of £30 a week.

The Minister for Labour: I would like to correct your figures. You agree to 20 per cent. increase which would be £1 12s. That would be £9 12s. for the single man and would bring the maximum to £12, not to £12 16s.

Hon. A. V. R. ABBOTT: I would stick to my 20 per cent. increase; I worked it out quickly. We can see, therefore, that it is a little too much to provide that a man can draw as much as £30 a week, if he is single, plus, of course, an allowance perhaps up to another £8 a week if he is married and has dependants; it would be too much to load on to the community. We could increase the maximum amount by 20 per cent.

It is also proposed to increase amounts payable under the Second Schedule. There again I think there ought to be an increase. But I feel we should be consistent and it would not be unreasonable to increase this also by 20 per cent. If the Minister insisted—and I know he can insist so far as this argument is concerned—I think he should consider some reduction in the Second Schedule charges to what he had in mind; say by 20 per cent., even if he carried his view in respect of the other matters of compensation. I do not know that there is justification for such heavy compensation as that set out in the Second Schedule.

The Minister for Labour: The chaps who lose an arm or a leg do.

Hon. A. V. R. ABBOTT: They are very unfortunate and one must be sympathetic, but after all, we must think of the people who have to pay it. Another man may lose an arm in an accident and receive nothing at all; we must be sorry for him. A man who was unfortunate enough to do that would still have to contribute his share through the generally added cost to industry, although getting nothing himself. I know the Minister tries to see it from a fair point of view, but I think he may be a little influenced by those by whom he is surrounded.

The Minister for Labour: A very good influence.

Hon. A. V. R. ABBOTT: Well, of course, there are so many arguments and so many points of view about everything. I have deliberately left this next question to the last, because although I am not, say, personally concerned I am interested to the extent that it is most unreasonable and unfair to the profession to which I belong. I refer to the fact that, except with the consent of all concerned, a party cannot be represented by the man who is most skilled to put a case before the board. I always find it a little difficult to understand why the Minister should feel so inclined to prejudice or be unkind to the legal profession when he is such a strong supporter of the principle of every man to his trade. The Minister knows that among the people he represents, and with whom he associates, none would think of doing another man's job. If someone did, there would be trouble immediately. Has any member ever heard of a plumber using a paint brush?

The Minister for Labour: Yes, I saw one painting his house yesterday.

Hon. A. V. R. ABBOTT: He was using it for his own benefit. It would not be done, in the manner I refer to. The Minister knows there is a strict union rule that each man shall stick to his own industry. Time and time again we see repeated questions of this nature which have to be solved by the Arbitration Court. The unions jealously guard the rights of their skilled members, and I do not blame them for doing so. The argument is that they have served an apprenticeship for many years, have become skilled in a particular avocation and it is in the interests of the community that only those who do undergo such training and have such experience should be permitted to engage in their particular industry. They say it is unreasonable that others should do so. I think there is something in their argument. I cannot see how the Minister distinguishes that point of view from that which he adopts regarding the legal practitioner. He is a man who must have considerable ability to be able to obtain his university degrees, and he has to be a man of some acumen and serve an apprenticeship.

Mr. J. Hegney: Two years.

Hon. A. V. R. ABBOTT: And three years at the University, which makes five years in all. Then he has to do some years in practice before he is recognised as a fully trained craftsman. A man who has just finished his articles has to accept a junior position for quite a number of years, not by law, but because people will not employ him. Litigants want a more experienced man to look after their interests. I am speaking now in general terms. The provision is unreasonable, not only for the reason I have given, but also for a much more important one. It is in the interests of those who have claims that they should be represented by the men who are most capable of presenting the facts and the law as applicable to their cases.

Mr. O'Brien: Is that the idea of increasing the amount—to enable employees to get that advice?

Hon. A. V. R. ABBOTT: I do not think so. The profession is and always has been quite willing to assist any person who is not in a position to pay for the best legal advice, and I should like the Minister to co-operate in the suggestion put forward by the Law Society to establish some method whereby anyone may obtain the best advice. I know that the Law Society would sponsor such a scheme, which would mean a lot of work for its members for considerably less remuneration than they are normally entitled to receive. If we feel that there are some workers who cannot afford to obtain the best advice—and that was the Minister's argument—here is a way to tackle the problem.

Mr. Moir: How could one tell whether it was the best advice?

Hon. A. V. R. ABBOTT: That is an extremely difficult question to answer; it is all a matter of personal opinion. The practise of the law is a science—

Mr. Norton: Involving psychology.

Hon. A. V. R. ABBOTT: Yes, and it is difficult at times to determine who would be able to give the best advice, but taking it by and large, as with medical, engineering or any other advice involving science or trade, the best man seems to forge ahead and become recognised as such. I suggest that the Minister take up with the Minister for Justice the suggestion of the Law Society and see whether something can be done so that each claimant may get the advice and assistance of a trained man where it is necessary for him to have his interests represented before a judicial body.

Mr. O'Brien: I know a person who went to a member of the Law Society and the case hung on for over six months and he was then told that it was too late to proceed.

Hon. A. V. R. ABBOTT: If the facts were as related by the hon. member, that was quite wrong. A lawyer so employed would have been personally responsible, because he is a servant of the court and, if he were negligent, he would be responsible for any loss sustained by the client. That principle is well known, and it would be the proper course for the client to take. To say that any man about to appear before a judicial body should not have the assistance of the best person obtainable would be unreasonable and unfair, and I hope that the Minister, after further consideration, will see the matter in that light. I support the second reading and hope to deal with provisions in Committee as I have indicated.

MR. MOIR (Boulder) [8.35]: It is indeed pleasing to find these very necessary amendments being brought forward, although I was disappointed to hear the views enunciated by the member for Mt. Lawley. I would have thought that the debates that have taken place on the subject in past sessions would have tended to make him a little more liberal-minded in these matters, but he is still inclined to be unsympathetic.

Hon. A. V. R. Abbott: No, but I am sympathetic to the man that has to pay. That is all.

Mr. MOIR: It is of little use being sympathetic if we do nothing practical about it, and I think a member's sympathy should go out to an injured worker rather than to the man that has to pay. Insurance, after all, is a business proposition. It is merely a question of cover for liability under the Workers' Compensation Act. Most industries have to insure against various risks, and the cost of this insurance forms one of the charges upon industry.

Although, as I have said, I am pleased that these amendments have been brought down, I feel some disappointment that other matters that could justifiably have been dealt with in the Bill have not been included. I can only assume that the Minister has introduced the matters that he regards as being of the greatest importance. I agree that the proposed amendments are necessary and desirable, but there are others that might well have been introduced.

One that occurs to me is in the case of an injured worker who has received medical treatment and perhaps also hospitalisation for some time and is then certified by the doctor as being fit for light work. The injured worker might not always be able to obtain light work from his employer or from any other employer. I think of the mining industry where a man might meet with a more or less serious accident involving medical treatment and hospitalisation, and subsequently he might be certified as being fit for light work. On returning to his former employer, he is told, "I am sorry, but I have not any light work for you to do".

What is the position of that man? He cannot very well ask some other employer to give him light work, and it is an economic fact that when a man offers his services in any capacity, the employer is interested only in what return the man can give in the way of labour or skill. If his physical ability is impaired, an employer has not much interest in such an applicant. Consequently the worker is in the position of having been certified fit for light work, but the onus is on him to find it and, if he cannot find it, he is unemployed and is not in receipt of compensation.

Provision should be made in the Bill to specify that, when a worker is so certified and returns to his employer, if the employer cannot or will not find light work for him, the man should be continued on weekly payments of compensation until such time as he is able, or is certified by the doctor as being fit to resume his occupation. The exception would be that if a man were suffering a permanent disability, there are other provisions in the Act under which he might be compensated. This is a matter that the Minister should consider with a view to the introduction on a future occasion of further amending legislation.

From the point of view of the worker, another serious matter is the amount allowed for medical and hospital charges. We all know how medical and hospital charges have been soaring year by year—soaring at a greater rate than even the cost of living. It is certainly more expensive to be sick than to be well. The amount of money provided in the measure is nowhere near sufficient to meet the case of a worker who is seriously injured and has to spend a fairly lengthy term in hospital or under medical treatment. In heavy industry, accidents of the serious type occur, and this means that when workers are injured, they need a lot of hospitalisation and medical care.

There have been numerous instances of workers before returning to industry being confronted with heavy hospital or medical bills or both. This sort of thing adds to a man's trouble. It is bad enough for him to have been out of work or in receipt of part payment, which compensation really represents, without having the bugbear of heavy hospital and medical accounts. There would not be many such cases, but there are some, and they occur too often for us to be complacent about them. I feel that before long attention will have to be given to this aspect.

Another matter about which I feel very strongly is that of the memorandum of agreement between employer and employee. Provision should be made in the Act constituting it an offence for an insurer to ask a worker to sign a memorandum of agreement before receiving a sum of money by way of compensation for his disability. The law of the land provides what the worker shall receive, the amount being agreed upon in accordance with the worker's incapacity. That is due to the injured worker by right, the law having stipulated to that effect, and he should not have a form of agreement put before him and told that he will be paid a certain sum if he signs the agreement.

He can obtain the compensation without signing an agreement, but it causes some delay. The matter can be taken before the Workers' Compensation Board, which can make an order that the amount be paid. That means that if there is a further deterioration in the man's state of health and he is found later to be suffering a greater disability, the board can consider awarding him an additional amount; but if he has signed a memorandum of agreement, agreeing to release his employer from all further claims, after the payment of that sum he receives nothing further, even though his condition deteriorates by 25 or even 50 per cent., or more.

The signing of a memorandum of agreement can protect only the employer as it releases him from any further claim. Notwithstanding the fact that the Act provides that should there be a further deterioration in the worker's condition he can make a further claim, if he has signed the memorandum of agreement he has signed his rights away, and that should not be permitted. To my knowledge, a number of workers have done that and have therefore had no further claims on account of injury—

Mr. O'Brien: Some of them lose hundreds of pounds in that way.

Mr. MOIR: That is true. I think the proposed increases in compensation, as contained in the Bill, are excellent provisions. They are necessary not only to keep up with the present trend of money values, but in order to provide a better basis for compensation. No worker desires to go on compensation or becomes injured purposely and when he is injured he should receive a reasonable weekly payment and a fair sum of money to cover any disability.

When referring to serious disabilities, the member for Mt. Lawley said we would have to be careful about increasing these amounts of compensation because they are a charge on industry, but I do not see how he can sustain that argument. All the charges on industry appear in the costs, and I feel that the cost of insurance against the injury of workers should be a first charge on industry before any other cost at all is considered.

The figures provided in the Pocket Year Book for 1953, with regard to insurance companies, are illuminating. On listening to the member for Mt. Lawley, one would almost have concluded that the premiums paid on workers' compensation insurance were becoming an insuperable burden to industry, although he put it that the burden was on the workers. At page 64 of the year book, under the heading "Employ-

ers' Liability and Workers' Compensation," we see that the revenue from premiums in 1950-51 was £682,390 and the expenditure on claims £356,023. For 1951-52—after the amending legislation was passed raising the amounts payable and bringing the total compensation from £1,250 to £1,750 —the revenue from premiums was £740,928 and the expenditure on claims £350,284.

Members will see there a considerable drop in the expenditure on claims. The figures quoted refer to the general insurance companies and not the State Insurance Office. Despite the fact of the higher liabilities as laid down by the amending legislation of 1952, the expenditure on claims last year was considerably lower than in the previous 12 months. I have not any figures dealing with the expansion of industry in this State, but it may be assumed to have been considerable over the last couple of years. It is therefore interesting to note that the revenue has increased from £682,390 in 1951 to £740,928 in 1952.

For 1950-51 the premium revenue of the State Insurance Office was £406,578 and the expenditure on claims £197,410, the total expenditure being £229,676 and the loss ratio 48.55. In 1951-52 the premium revenue was £461,906, the expenditure on claims £157,127 and the total expenditure £199,397, with a loss ratio of 34.02. That is an excellent tribute to the management of the State Insurance Office, but it also proves to me that, despite the fact that increases were made in workers' compensation under the Act, it has not cost more to provide compensation for the injured worker. If we compare the expenditure on claims for 1950-51, £197,410, with that in 1951-52, £157,127, we find a considerable decrease.

Mr. Norton: And this with an increase in employment.

Mr. MOIR: An increase in employment and a considerable decrease in the amount paid out in claims. Those who have studied the position over the years know that the incidence of accidents has a certain ratio to the number of workers employed at any given time in industry, and it will be seen that the increase in compensation has not had the effect suggested tonight by the member for Mt. Lawley. I think he should consider seriously the figures I have quoted before making airy statements about the cost to industry of workers' compensation.

I submit that when an employer knows he must pay premiums under the compensation legislation in order to protect his workers, he is more likely to give consideration to safety factors in his industry because he realises that he must do everything possible to prevent accidents. I might mention that the employers in the mining industry are cognisant of this fact and do everything possible to reduce the incidence of accidents.

A safety committee composed of workers' representatives from the various mines has met the mine managers from time to time to discuss the problems that arise relating to the safety factor in industry. That committee does its best to devise means for preventing accidents and as a result of those conferences and the cooperation between managements and men, the number of serious accidents in the goldmining industry is being minimised. That is a lesson which could well be learnt by both workers and managements in industries elsewhere.

Now I come to the provision regarding reciprocity. It is a terrible thing that if a worker comes here from some other country and loses his life in industry before he has been able to bring his dependants to this land, they receive no compensation. We are asking workers to leave their homes in other parts of the world and come here, and such people are becoming part of the population of this country and are assisting us to build it into the great nation which it should become; yet if, having left their families overseas until they can afford to bring them here, they are killed in industry, those dependants receive no compensation.

That sort of thing is happening frequently and I say definitely that no worker should be placed in that unfortunate position, nor should his family overseas, having been deprived of the bread-winner, be denied compensation. I feel very strongly on this matter. In the mining industry recently, three new Australians lost their lives. Such workers come to this State and live in the hope that they will be able to bring their dependants from overseas to live with them here. What father or husband in a foreign country—and this is a foreign country to such men—does not long and work for the day when he can bring his family to join him? The dependants of these three men have not received a penny compensation, and it is a crying shame.

Strange to relate, the only country with which we have reciprocity in regard to workers' compensation is New Zealand. It will probably astound many members to know that if an Englishman, a Scotsman or an Irishman comes to this State to work and is eventually killed in his occupation his dependants are not entitled to compensation. The same applies to a worker from South Africa, Canada or any other country that is a member of the British Commonwealth of Nations. The sooner we rectify that anomaly the better.

There seems to be some misconception about this provision in the Act. The member for Mt. Lawley stated that if another country had legislation that would compensate the dependants of an Australian who had lost his life in that country, reciprocity should operate. Even if

such a country did have reciprocal legislation, the clause would not operate, because Subsection (5) of Section (6) reads as follows:—

> If the Governor is satisfied that by the laws, operating similarly to the provisions of this Act, of any other country, whether part of the Dominions of the Crown or not, compensation for injury by accident to a deceased worker is payable to his dependants who are resident in this State, the Governor may, by Order in Council, declare that when a worker is so injured in this State and dies as a result of the injury, his dependants who are not resident in this State shall have the same rights and remedies under the provisions of this Act, as if they were resident in this State and if satisfied that those laws have ceased wholly or partly so to operate the Governor may in like manner revoke or vary such declaration and effect shall be given thereto.

Therefore, there is nothing mandatory about that. Reciprocity can exist in another country but it does not necessarily follow that a worker will receive the benefit of reciprocity in this country because that provision merely states that the Governor "may" grant it.

My predecessor, Mr. Oliver, went to the trouble of obtaining a copy of the Jugoslavian Act and having it interpreted by students at the University, but he found that that legislation meant nothing because, unless reciprocity is granted in this State it does not exist for workers from other countries. In these days when we invite people to our shores we should ensure that the dependants of the workers that do come here should be fully compensated if their bread-winner should lose his life.

I am also in accord with the definition of "worker", although, here again, the member for Mt. Lawley did not seem to think it was necessary. For some time past, we have heard a great deal about incentive payments. If we want a worker to do his best and receive payment for such effort, there should not be any limitation on the definition of "worker". Under that definition, there would be quite a few workers in the mining industry who would not be eligible for compensation today. That position has existed for some years. It appears that the employer in the mining industry is prepared to cover those men. He does not want the definition limited and I doubt whether any other employer would desire that either. An employer is prepared to pay such workers as long as he gets the best from them.

We have heard a great deal of talk not only here but also in another place about workers loafing on the job. It has always been my opinion that an employer wants to get the best out of his workers and quite a few are prepared to pay them accordingly. However, if a worker is prepared to give of his best and his employer is prepared to pay wages commensurate with such effort, that employee cannot be covered under the Workers' Compensation Act. That is too silly for words! If an employer was fortunate enough to have all his workers come within that category, he would be only too pleased to pay the premium to protect them according to the provision in the Workers' Compensation Act.

The member for Mt. Lawley stated that during his Government's term of office, when it increased the payments made under this legislation, it took into consideration the fluctuations in the "C" series index. An analysis of those figures shows that not a great deal of notice has been taken of them. They show that £1,250 was provided under the Act. Payment to a married man was limited to £8 a week which covered him for only a total period of three years and six weeks. When the compensation payments were increased by the previous Government to £1,750, that amount covered a disabled worker who was married, for three years and nineteen weeks; an increase of only 13 weeks.

It is only right that we should take cognisance of the diminishing value of the £, but we must ask ourselves whether the standards that were set five years ago or those that were set this year are to remain forever. Everyone strives to better his standard of living, no matter what sphere he is in. The employer strives for a better production standard and a better standard of living for himself. We should not be satisfied with the old standards that have been set down for the payment of compensation to the workers. We should be seeking a better standard and trying to obtain improvement in the lot of an injured worker.

There is no doubt that an injured worker is an unfortunate person. He not only has to suffer the physical hurt of the injury itself but also he goes through a great deal of mental stress in that he is aware he is deprived of his earning capacity. He worries whether he will be completely cured of his disability or only partially cured. If members had the experience I have had of workers who have been seriously injured in industry, they would realise that such men often lose hope because they think they have been deprived of their principal asset, namely, their ability to work, or that their skill has been greatly diminished by the loss of say, a limb. It is a painful experience to watch and speak to such a man who has suffered both a physical and mental hurt.

Hon. A. V. R. Abbott: The hon. member is wrong with regard to a British worker not being protected. He is protected all the time. Look at the definition of "dependants". You are not always right.

Mr. MOIR: That again is a matter of opinion. I would ask the member for Mt. Lawley from where he obtained his advice. I have seen many cases taken to court where the lawyer on one side has stated that the Act provides so-and-so and the lawyer on the other side has stated that it means something different. The member for Mt. Lawley will be quite aware of that. He has not always been right when he has taken such cases to the court. It is a question of interpretation.

Hon. A. V. R. Abbott: The hon. member challenged me and I merely wished to put him right.

Mr. MOIR: I am not prepared to argue the point now. I still say that the hon. member is wrong. That is my opinion, whatever it may be worth.

Hon. A. V. R. Abbott: The hon. member should look at the definition of "dependants."

Mr. MOIR: There are one or two other matters in the Bill about which I am not too happy. I would like the Minister to have a look at Clause 2 which proposes to repeal Section 4 of the Act and re-enact a new section. If that is done, a serious injustice to workers will result, inasmuch as something will be taken away from them which they have already and, on the face of it, the clause will not do that which is intended. Another provision which appears on page 6 of the Bill is not quite clear to me and I would like the Minister to explain it more fully when he replies. I am referring to the last part of Clause 7, which reads as follows:—

> In this section the expression, "the full amount of compensation at the appropriate ruling rate applying to and in respect of a period of incapacity" means the full amount of seven hundred and fifty pounds payable prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1948, and the rate at which that sum was then payable, and includes increases in that amount and that rate effected by subsequent amendments to this Act whether coming into operation before, by, or after, the Workers' Compensation Act Amendment Act, 1953, where those increases become effective during the period of incapacity, but excludes those increases where they become effective on or after the expiration of the period of incapacity.

That provision does not make sense to me and I would like to have it clarified by the Minister because when a worker contracts silocosis his incapacity continues until he dies. Otherwise the Bill is excellent, except that it does not go as far as I would like. However, I suppose we have to be thankful for small mercies, and I can only express the hope that this House will give favourable consideration to the proposed amendments and see that they are passed.

There is a necessary amendment that I think should have been incorporated in the Act long ago. It is one covering workers in the iron and steel industry against silicosis. I gather that the member for Mt. Lawley is critical of that provision; but if a worker contracts a disease in industry that incapacitates him, why should he not be protected? We know that workers in that industry are subject to silicosis, particularly those engaged in iron founding. The Third Schedule covers only certain sections of industry and I could never see why it did not apply to all in which the disease is liable to be contracted.

It does not matter whether a man has his arm cut off while working at a circular saw, or whether it is cut off by a chaff-cutting machine. The fact remains that the man has lost it, and did so in the course of his employment. In the same way, it should not make any difference where a man contracts a disease. The point is that the disease has been contracted and should be compensable. For many years, the legislature has regarded silicosis as being compensable in the mining industry and the quarrying industry, and I cannot see why it should not be covered in other industries, and especially the one proposed in the Bill, since it is a hazardous industry and the workers should be protected. I hope that members will give earnest consideration to the Bill and see that it is passed without any unnecessary amendments.

MR. O'BRIEN (*Murchison*) [9.19]: The Bill has been well presented and the Minister is to be congratulated. I fear, however, that the amount of compensation is not sufficient, especially for men engaged in the mining industry. I was employed for ten years in that industry, partly with explosives and partly as an ambulance officer; and I have seen very many sad accidents, and have assisted to bring injured men to the surface from great depths. In my occupation I was obliged to safeguard the employer as well as the employee; and I must confirm what the member for Boulder stated, that the managements of all the mines do a great job in trying to ensure that accidents are avoided by training the employees, having lectures delivered to them, and providing qualified divisions on different shifts and at different levels to direct the men as to the safe working of the mines.

It is not sufficient to pay a qualified miner, who can earn from £7 to £8 per shift, a paltry 66⅔ per cent. of the basic wage. That is a very low figure, and it is one of the reasons that organisations representing the employees and the management have co-operated in order to try to avoid accidents. The majority of the large mines cover their employees through the State Insurance Office, and that office is very particular about what is done. Those who have to fill in forms Nos. 1, 2 and 3 have to be careful in compiling them,

and the office is careful when examining the forms to see that everything is fair both to the employer and the employee.

A worker does not meet with an accident just for the sake of doing so. He endeavours to avoid accidents so that he is not in the position of having to accept the paltry amount of compensation that is paid. If a man is employed by the week and is obliged to accept compensation, he should be paid a full week's wage, because he has been hurt in the course of his employment and should receive the full amount in order to cover him for the time he is incapacitated.

It is gratifying to know that the clause relating to silicosis has been included in the Bill, and that all men employed in the mining industry will be covered, whether on the surface or underground. They will be obliged to present themselves before a medical officer—in this instance the laboratory doctor—because they can from time to time develop silicosis, whether they are engaged on the surface of the mine, in the oxy-welding department, in pipe-fitting, or in any other occupation. I am glad that clause has been inserted. With the exception of the provision outlined by the member for Boulder, the Bill is complete in every detail, and I feel sure it will meet with the approval of this Chamber. I support the second reading.

HON. A. F. WATTS (Stirling) [9.25]: When the Minister was addressing himself to this Bill, there was one thing I would have liked very much to hear from him, and that was some information as to recent happenings with the Premium Rates Committee and any estimation he cared to make, either with or without the guidance of that committee, as to what changes, if any, might have to be made in the premiums if this Bill becomes an Act. In the absence of that information, it is only natural for some members to form the impression that very considerable changes, not only in the amounts of compensation but in the methods to be acted on if this Bill becomes law, will make very substantial increases in the premiums that have to be paid. I would have thought that, having had for some four years the benefit of the operations of the Premium Rates Committee and the Workers' Compensation Board, the Minister would have taken steps to see that some sort of estimation was available to the House in order that it might be fully informed on that aspect.

I can assure the hon. gentleman that if I were fully informed on that subject I should have much less reason to question some of the proposals in this measure than I have at present. In fact, if my own opinion as to what might happen were borne out by the report which he might have secured or the estimation he might have obtained from the committee, I think the greater part of this measure would be acceptable to me. As I understand the situation, since the Workers' Compensation Board and the Premium Rates Committee were incorporated in the workers' compensation law in this State in 1948, while there have been many and quite considerable increases in the maximum amounts of compensation and other aspects of workers' compensation law, the premiums have been kept down; and, in consequence, it would be reasonable enough to suppose that even the increases proposed in this measure would not have a very great effect upon the premium charges.

In the absence of reliable information, or any information at all so far as I know, one is not able completely to form that conclusion. I have had a look at the figures in the Pocket Year Book to which the member for Boulder made some reference, and I must say, from a perusal of them, that it seems to me that they support the point of view I have just submitted. But again, in the absence of reliable information I do not know, and I think this House is entitled to as much reliable information as it can be given on a matter of this nature.

So I ask the hon. gentleman—I assume it will be a week from tonight before he will be dealing with the measure in detail—to make some effort to supply us with estimates or some further information which will enable us to form a better opinion of the project he has put before the House and, in all probability, to lend it far more enthusiastic support than we have done so far. I do not suppose there is anyone these days who will argue against the proposition that a worker is entitled to be compensated in respect of accidents or injuries bona fide suffered by him and arising out of or taking place in the course of his employment.

In a time of rapidly rising costs, and therefore diminishing purchasing power of money, it is obvious there must be some increases in the rates of compensation and in the maximum amounts of compensation payable. That trend has been going on for a considerable number of years. In 1948 a Royal Commission was appointed to inquire into and report upon various aspects of workers' compensation which, as was mentioned in the terms of reference, was regarded as a social service. In the following year nearly all the recommendations of the Royal Commission, upon which all interested parties were represented with an independent chairman, were carried into effect.

Prior to that time the maximum amount of compensation which could be received by a worker—this was under the law as it stood in 1947 which was when, for a period, I had charge of both the State Insurance Office and the Workers' Compensation Act—was a maximum of £750. By the amending measure of 1948 that figure was increased to £1,250, which compensated fully, and I think a little more

than that, for the increases that had taken place in the intervening period of approximately 18 months or two years.

The same measure set up the Workers' Compensation Board and the Premium Rates Committee, both of which were recommended by the Royal Commission, and both of which, I venture to say, have made a substantial contribution, on the one hand to stabilising the law and the practice of workers' compensation in this State, and on the other to ensuring that the cost to industry did not rise to the extent that otherwise it might have done; in short, by keeping down the premiums payable. Subsequently, in 1949, further amendments were made to the law which cleared up some of the difficulties arising out of the operations of the Workers' Compensation Board and the Premium Rates Committee and it made one or two other minor amendments.

In 1951 there were further increases in the maximum amount of compensation payable and in 1952 the maximum amount was raised to £1,750. Today we are asked to increase it to £2,800 and to provide that the weekly payments shall be, in effect, equivalent to the basic wage and subject to the adjustments accordingly and, in certain circumstances relating to married men, to some additional payments for dependent children and the like. In general I suppose I could have no objection to these proposals, but because I want to be well informed on the subject, I have submitted the request I have to the Minister before I declare myself unequivocally on the matter.

I would like to make some reference to the question of reciprocity. I am sorry to have to disagree with my colleague from Mt. Lawley. We had better have a ruling from the most senior officer the Minister has in the Crown Law Department because it would be well to have the matter under control. As I see the position under the parent Act, the benefits have to be extended, not only to other countries, but to the British Dominions. This is so because of the provisions in Section 6 empowering the Governor to make the extension. I also hold the view that in regard to the British Dominions there should be reciprocal arrangements without any question whatever.

In general, I say the same with regard to other countries, but I would like to be sure that in the event—in some cases an unlikely event—of any Western Australian citizen being employed in another country, the conditions we are proposing to apply to the nationals of that country, if they were here, would be applied to our nationals if they were there, because there are one or two southern European countries at the present time where I feel the possibility of any such reciprocal arrangement, whether on a statutory basis or not, is remote. We ought to go fairly carefully into the matter.

The definition of the word "dependants" wants a little attention. If I remember aright, when I was dealing with the State Insurance Office some four years ago there was one claim made by a so-called dependant from one of the southern European countries. Upon inquiry it was ascertained that the lady's husband, who had been resident and working in this State for a number of years had, I think, in all that time contributed £15 towards her maintenance. It does not seem a reasonable proposition if, over a period of ten years or so, he sent here only 30s. a year on the average, that we should suddenly have to send her £A2,800 to the country in which she might be living.

Mr. Moir: The Act provides that the dependency has to be proved, even in the State.

Hon. A. F. WATTS: Yes, but the Act states, "wholly or in part." The expression "in part" has a pretty wide meaning and it might be argued successfully that even such a payment as I have just mentioned is "in part." So I offer a word of warning in regard to that aspect.

Mr. Moir: The State Insurance Office has watched that position very closely.

Hon. A. F. WATTS: I am aware of that, but we do not want to put it in the position that it has to pay this money, no matter how carefully it watches the situation. I am fearful of that occurring if we are not a little more careful about this legislation than we have been up to the present time. I am a little worried, too, about the provision in the Bill which states that the employer shall have all his workers' compensation insurance in one insurance company. The Minister may be able to elucidate this for me.

At the moment miner's phthisis must be insured with the State Insurance Office. Presumably if the Bill becomes an Act all other forms of insurance that mining companies do will have to be done with the State Insurance Office, because it will all have to be with one company. I do not know whether that is what is intended, but I cannot read anything else into the measure at the present time. So we shall find that long-standing insurance arrangements will, perhaps, have to be obliterated. That does not seem exactly a fair proposition.

Hon. D. Brand: Dictatorial, I should say.

Hon. A. F. WATTS: We also find a proposal in the Bill with respect to silicosis and similar diseases in the steel industry. Quite apart from the point raised by the member for Mt. Lawley as to what is the steel industry, as to which I am not well informed, I want to know this: If there is going to be an insurance policy, is it going to be taken out with the State Insurance Office also; or is it going to be that the employer will be left in the position of being refused by his

insurance company, as it is alleged occurred in certain instances in the mining industry, and therefore quite unable to comply with the provisions of the Act?

It seems to me that the proposals in the Act and in the amending Bill must be elucidated before we can decide whether we shall support them or not. I think the Minister is going the wrong way about the question of legal representation before the Workers' Compensation Board. In view of the fact that the workers' compensation law is becoming considerably involved he, instead of obviously trying to place the employer in the position that he cannot have legal representation, should seek to place the worker in the position that he can have it. The Minister is obviously seeking to do the former because he provides that there cannot be legal representation unless both parties agree.

I put myself for the moment in the place of the injured worker who has come to the conclusion—probably quite reasonably —that he cannot afford this representation. He tosses up in his mind whether he will allow the employer to have it, and naturally comes to the conclusion that he will not, and so neither has it. I am of the opinion that the Minister should endeavour, if he wants some reforms in this direction, to place the worker in the position that he can have legal representation. I suggest that cannot be approached very easily through the Workers' Compensation Act, although a skilful draftsman might find ways and means of doing it there. I suggest it should be done through some such legislation as the Poor Persons Legal Assistance Act, though I do not like the title of that legislation.

Some such legislation as that would, in these cases, enable counsel to be provided for the worker and if he were successful counsel would be paid for out of the employers' funds. Normally, when a person loses a case at law, he expects to pay a substantial portion of the costs which have been incurred by the other party to the action, and I think in these circumstances it would be the best thing to do.

Then we would not find that parties before the Workers' Compensation Board would have—as I think will be the effect under this Bill—no counsel at all and then when they came, as they occasionally do, to some higher court of appeal both sides would probably have to employ counsel. The employer would certainly have to do that and the counsel would not have had the benefit of appearing in the inferior court and the agent who appeared in the inferior court would not be able to appear in the higher one.

So it seems to me that the Minister is going the wrong way about it. If he wants to reform this legislation—and I do not object to him seeking, from his point of view, to get a more complete measure of equality in this matter—I think he ought to go about it from the direction of amending some other law. It is not my intention to speak at length on this matter; suffice it to say in conclusion that I shall willingly support the second reading of the Bill. My conduct as to certain other aspects of the measure, when it goes into Committee, will be guided, I hope, by what the Minister has to say in reply to the second reading debate.

MR. WILD (Dale) [9.48]: I, like the member for Stirling, want to have much more information from the Minister as to just what the effect of these amendments will be and how much they will cost industry. It is that aspect of the matter which I wish to discuss this evening. The member for Boulder endeavoured to indicate to the House that this is not going to cost the people anything. That is just utter balderdash.

Mr. Moir: I did not say that.

Mr. WILD: Somebody has to pay for all these extra benefits, and it can only be the consumer.

Mr. Moir: I did not say that.

Mr. WILD: I want to make my position clear. Like all members in this House I believe that workers' compensation is absolutely essential, but we must have a proper balance and look at things in their right perspective. So I suggest to the Minister that he have a thorough look at this aspect because I am certain that we in Australia have reached the stage where industry cannot afford to have any more burdens thrust upon it.

Mr. Moir: They said that 20 years ago.

Mr. WILD: I know that and I should like to read to the House a small passage dealing with this aspect. In 1912, Mr. Frank Wilson, member for Sussex, had this to say—

> We have to consider it not only from the standpoint of the unfortunate individual who has suffered from injury, or perhaps from disease contracted in the course of employment, but also from the standpoint of the general public because, after all is said and done, it is upon the shoulders of the general public that legislation of this description falls, that is as far as the cost is concerned.

I suggest that that situation has not altered one whit in the 40 odd intervening years. It will not alter because every time the compensation rates are raised, somebody has to pay for it. Who pays? Probably the very man whom members opposite are endeavouring to assist—the worker.

Mr. Moir: This is a cost that he does not mind having to bear.

Mr. WILD: Let us face up squarely to the position. Where are we heading? We all read in the Press, only about a fortnight ago, that an industry which had been set up in Australia had been forced to close down because it had been beaten by costs; I refer to the Westclox industry. We have another industry much closer to Western Australia and members will recall these words in the not too distant future. We are fast losing our market for karri, not only overseas, but also in Australia.

Today South Australia can land oregon from Canada at a cheaper price than we can market our karri in South Australia. That is only because costs are building up. I do not say that workers' compensation benefits are the cause, but they are one of the many charges that are added to the cost of producing an article. All of the timber firms say the same thing; they are having difficulty in selling their karri.

When I was in London a couple of months ago I discussed this question with Millars Timber and Trading Coy., with Bunnings' agents and also David Howard and Sons who are representatives of the State Saw Mills in London. I saw them all independently and they all said the same thing—"The cost of your karri is getting so high that we cannot sell it on the London market." From 1948 onwards karri has comprised almost two-thirds of our export timber because of the need to conserve our jarrah.

But we have just about lost all of our markets. At one time the people in London used all karri for wagon scantlings, but now they are able to obtain timber from South America, Kenya and other places at a much cheaper price. When I saw David Howard and Sons at their office in the East End of London they showed me 300 varieties of timber that they have available. They told me that they are able to import many timbers from overseas and sell them at a cheaper price than they can purchase karri from Western Australia.

In the main we have to face up to the fact that Australia is a primary producing country and we look to other countries to buy our wheat and wool; in other words, primary production is our life blood. But can we, with all these rising costs, turn round to the countries that buy our wheat and wool—England in the main—and say to them, "Well, our costs are rising and even though you can produce cheap articles, and land them in Western Australia cheaper than we can produce them, we are going to build up a tariff wall and finally keep them out"?

What will be their reaction? They will say "To hell with Australia. We won't buy her wheat." That is something we must take into consideration. There will not always be a shortage of wheat or wool and so we must take into consideration all these other factors. Industry today cannot afford any further increases in costs. We have reached the peak and in looking at this legislation, and while I agree with it in principle, I want the Minister to tell the House exactly what these extra costs will be to industry.

When the various clauses are dealt with in Committee, I shall express my views in exactly the same way as the member for Stirling will express his views, but I would point out to the Minister that we must take stock of the position otherwise we will have that dreadful state of affairs that we hear so much about from Labour members in Canberra—I refer to the word "depression".

If we cannot sell our goods at reasonable prices, unemployment will become rife and depression must follow. Since I have been in Parliament the Minister has always, on behalf of his party, dealt with workers' compensation legislation, and I think possibly he is hoping that out of 10 or 12 drastic and rather radical amendments he may be able to have two or three of them passed. But I hope he will look at the aspects I have mentioned because I think we have reached the peak in our costs on goods and while we agree in principle with this legislation we must look at it from a broader aspect. I support the second reading.

MR. COURT (Nedlands) [9.55]: I agree that the workers' compensation legislation must at all times be kept up to date and in line with the current trends both in money values and in the conditions of employment. But I do suggest that at no time should the legislation get to a stage where it encourages the seeking of compensation, it imposes a burden on industry detrimental to the successful operations of industry in competition with the world, or it transfers a burden from the normally accepted and current social service system to industry when the Commonwealth financial structure has already allowed for the requisite assistance in certain cases.

Mr. Moir: But not in regard to workers' compensation.

Mr. COURT: I am not suggesting that workers' compensation is unnecessary; on the contrary, I support it to the full. But there is need for a degree of caution in approaching this particular subject. It is nice for us to make concessions, but if we have a complete disregard for the reactions of human nature—of which the member for Boulder has had considerable experience—and we have a complete disregard for the economical reasonableness of concessions, we will surely land ourselves in trouble.

It cannot be denied that it is almost impossible to retract a concession once it has been given. There is nothing more pleasant than giving concessions; it is so easy to do, but in a place such as this,

where there is a great degree of responsibility on members, we must have due regard for the long term effect of some of these concessions. It would be idle for me, or anyone else, to say that Australian industry has not enjoyed a considerable degree of prosperity over the last few years. I like to see everyone working in industry participating in that prosperity, but we have to be careful that we do not make arrangements of a permanent nature which have to be withdrawn or reduced.

I realise, because of my experience of less buoyant economic conditions, that when one has to contract, it is not a very happy position. It is unhappy for the persons who have something taken away from them and it is even more unhappy for those who have to take away the concessions.

Mr. May: The position of the injured worker today is not a very happy one.

Mr. COURT: I consider that the Bill savours of a request for a good many concessions in the hope of achieving some of them, and I do not blame the Minister for that. As far as I can see it, the Bill seeks to achieve several far-reaching objectives. It aims at increasing the amount of certain existing benefits payable to workers by way of workers' compensation. It has a far-reaching clause which attempts to extend the range of the people covered by the principal Act. It seeks to alter the basis of the settlement of claims in respect of death from injury covered by the Act, and it seeks to have retrospective action in respect of certain claims outstanding if and when the Bill becomes law.

Furthermore, it introduces an area of responsibility for employees—I refer to the the journey provisions to and from the place of employment. It further seeks to interfere—and I use the word after due consideration—with the relationship of the insured employer and his insurance company. In addition it seeks to close the gap between the rates of compensation during the period away from employment as compared with the ordinary remuneration received by the worker.

Another matter of importance that the Bill seeks to achieve is the method of representation before the board concerning claims. There are one or two other things that the Bill sets out to achieve which are important but I will not labour them at this stage. My criticism of the measure—and I want to make it clear that I am not opposing workers' compensation benefits for employees provided they are reasonable and properly calculated, with due regard to the ability of industry to pay and the needs of the worker—is that first of all it attempts to achieve too much in one bite.

Secondly, I think it attempts to break down some of the safeguards that I have always regarded as being there in the interests of the conscientious worker, namely, a well-considered and well-understood margin between compensation rates and the normal remuneration received by the worker whilst he is in his ordinary employment. Another matter on which I have found myself at variance with the measure is the fact that it could be the means—unintentionally or otherwise—of creating a set of circumstances to provide a monopoly for the State Insurance Office in respect of workers' compensation insurance.

Dealing with some of the points the Bill sets out to achieve, I would like to comment on the question of increased benefits. I have tried to relate benefits prescribed by the Bill to the rise or movement in the "C" series index or, taking it another way, to relate it to the movement in money since the last concessions were made. Perhaps the Minister might be able to give some more information in his reply as to how these amounts were arrived at. From my reading of the report of his second reading speech, it would appear that certain benefits or entitlements were largely based on the proposals contained in the Victorian legislation. I feel there should be some more scientific and more readily understandable basis of arriving at these figures than merely the adoption of another State's figures.

I could understand an approach by the Minister along the lines that the worker should be recompensed to cover the change in the value of money and the advances in the standard of living we claim to have achieved from year to year in the last few years in Australia. Such an approach would of necessity command the respect of all members in this House. In dealing with the range of people to be covered by the measure, I am rather surprised that there has been an extension as high as £2,000 per annum.

It is rather contrary to my understanding of the original objects of workers' compensation. I know it could be claimed that many employers already have special arrangements with their insurance companies that cover their employees, regardless of the amount of their income. But that is a private arrangement. In most cases the higher income groups are able to afford, and have often made their own arrangements concerning, personal accident insurance, the theory being that they have extra income and are able to do it.

The basis of settlement provided by the measure has two rather far-reaching provisions. Firstly, I would deal with the question of the retrospective effect of the provisions in the Bill. I feel that the retrospective action proposed is wrong in principle. Surely the law at the time of injury should be the determining factor. I am afraid that the provisions suggested in this measure would have the effect of

being far wider than the Minister himself might imagine. For instance, I have not yet been able to satisfy myself as to the position of the new group of workers that have been brought into this measure who were not there before.

Is there any retrospective action so far as those people are concerned? When I first read the measure I said, "No," but if one re-reads it, one sees that if somebody wanted to be smart, he would be able to prove that some of this retrospective action goes back to the new group of people provided for in the measure. I hope the Minister will reassure the House on that point, because I do not think he wants this measure to open the door to people who are in the group between £1,250 and £2,000 who probably had an accident many months ago and who have no claim and therefore would have no settlement.

The Minister for Labour: I think what you are suggesting now was done in 1948.

Mr. COURT: I do not think so, though I might be wrong on that point. I feel that the retrospective provisions of the Bill, as I understand them, are much more sweeping and wide in effect than anything suggested previously. In all sincerity, I mentioned the new group of workers coming under this measure and the possibility that there may be some unanticipated retrospective action in respect of these people.

Mr. Moir: There were the same circumstances respecting the 1949 amendment.

Mr. COURT: Regardless of whether it was in any other measure or not, I feel that the retrospective action cuts across the contractual commitments of these people. Here we find there is a retrospective increase in the liability of the insurer, but he cannot go back and ask for a retrospective payment of premiums —there would be chaos if he could. But he could be faced with an increase in his commitments because of the nature of this measure. It must create a degree of uncertainty and leave itself open to abuse.

As far as the method of settling death amounts and the prior payments are concerned, I can quite see what the Minister seeks to achieve. But from my analysis of the measure, I feel there is some intrusion to the detriment of the widow of a deceased worker in respect of social services. I may be wrong in that, but if she receives a sum of £2,400, I take it there will be a degree of disqualification as far as she is concerned in respect of widows' pension.

I would make a simple calculation: At 5 per cent. per annum it will yield her £120 per annum on £2,400, whereas a widow's pension, quite apart from child endowment, which is unaffected, would be in the vicinity of £3 12s. 6d. a week. Unless I am misinformed, there would be some detrimental effect on the widow herself, and I submit that for the consideration of the Minister.

There is another provision in the Bill on which I have not yet been able to satisfy myself and that is the amendment which it is proposed to make to provide for an £800 maximum. It appears to me to be in conflict with the amount of £2,400 and it would be of great value if the Minister could clarify the situation. As a layman, I see conflict between those two provisions—one a maximum of £800, and the other a maximum of £2,400. The new area of responsibility which is related to the journey to and from the employee's home and to and from his work is, I feel, going a little too far. In saying that I have regard to the origin of workers' compensation. It was a statutory provision to ensure relief in many cases where there would be no claim under common law. At least that is how I understand its origin.

In fact, it could be that workers' compensation was payable to an employee who might have even been careless, not intentionally, and who under common law would not have had a claim. We all acknowledge the fact that it would be unduly harsh and inconsistent with our 20th century ideas of working conditions if there were not some provision for a man to be compensated for injuries sustained in connection with his work. But I feel that this proposed provision in the measure to cover a worker from his home to his work and from his work to his home is almost impossible of being policed.

Mr. Moir: It works in other States.

Mr. COURT: I am glad the hon. member has raised that point. I have my doubts. If the hon. member reads particulars of some of the situations that arise over this question when a person is moving between his home and his place of work and between his place of work and his home, subject to reasonable deviations, he will find that some of the most amazing circumstances arise.

The Minister for Labour: You find that in any aspect of compensation.

Mr. COURT: I have in mind the case which I have no doubt is known to the Minister. I refer to the man that rescued the lady from a fearsome bull. That shows how extreme conditions can be when a man is moving from his home to his work and from his work to his home. He was injured during an attempt to be gallant, and the question of interpreting a provision of this sort entered into the case. I am fearful that this feature of the measure could be the means of introducing a degree of irresponsibility, and I do not think that any worker of the decent type wants protection against irresponsibility. It is unfortunate that we cannot legislate in any matter to single out the type that we would like to help.

Mr. Moir: There are medical authorities to decide that.

Mr. COURT: We cannot single out the type we would like to obtain benefits as against those for whom the benefits were never intended, but that sort of thing does creep in.

The proposal to interfere with the right of an employer to spread his insurance is going too far. I can see a real danger that a state of affairs could be created whereby a monopoly of this type of insurance could fall into the hands of the State Insurance Office. I do not think that is intended, but it could easily arise. There are many instances where people, by mutual arrangement between the various insurance companies, spread their risks with several companies.

I could give the Minister examples, if he so desires, where people have their workers' compensation insurance split up between two companies, and the companies have been happy to divide the business, one taking the hazardous risks and the other the comparatively safe risks. This is just a matter of arrangement that has been worked out over the years and gives satisfaction. If the provisions of this measure come into force, it follows that the people I have in mind must immediately cancel an arrangement they have had for many years with their insurance companies and decide whether they are going to place all their risks with company X. or company Y.

The next point is the attempt to close the gap between the amount a worker may receive while on compensation compared with his normal earning rate. I feel that the provision in the measure goes too far for general adoption. I made some rapid calculations and, as I see it, a person in the higher bracket of incomes proposed to be brought within the ambit of the measure could be in receipt of an income not much less than £40 a week while on compensation, and I think that would be tempting human nature a little too far.

Mr. May: How many of them would there be?

Mr. COURT: I gather from the sincerity and earnestness with which the case has been advocated this evening that there would be a considerable number. The provision of 66⅔ per cent. appeals to me as being a reasonable and realistic approach to the problem. The reasons for it are well understood, and I believe it is a desirable measure to retain, rather than extend the provision as proposed in the Bill.

The Minister for Labour: The same argument was put up when it was 50 per cent. and we got it jumped up to 66⅔ per cent.

Mr. Moir: Very seldom does it operate under present-day wages.

Mr. COURT: I am not suggesting that the ceiling be kept so low as to be unreasonable, but as I read the measure, the ceiling has been lifted completely so that a man's full earning rate will be the ceiling if he has dependants.

Mr. Moir: A married man cannot receive the benefit from the allowance for his wife and children.

Mr. COURT: I do not think the member for Boulder would disagree with me when I say that a worker with dependants under this measure could receive the equivalent of his full normal earning rate.

The Minister for Railways: Why should not he receive it? A worker is often injured through the neglect of his employer.

Mr. COURT: I have commented upon the reasons for preserving a margin between the compensation rates and a worker's normal earning rate.

Mr. Moir: You are not suggesting that a worker likes to get injured, are you?

Mr. COURT: There has been no mention whatsoever of that, and I am not even implying it. The provision in the principal Act is 66⅔ per cent., and I agree with the number for Boulder about an unreasonable ceiling having an effect on the mental state of an injured worker.

Mr. Moir: That rate is obsolete.

Mr. COURT: It is not obsolete. The proposal to fix premiums for silicosis over a three-year period is not fair or reasonable. During the short period that I have occupied a seat in this Chamber, much has been said about the State Insurance Office being the only one that would undertake this particular type of insurance for the mining industry. That is not in accordance with an examination I made of the position some two or three years ago.

The Minister for Labour: You need to go back a bit further than that.

Mr. COURT: The history, as I understood it, was that at one stage a detailed examination of the situation had been made, and I have yet to find that the private companies were given the information to enable them to quote for this type of insurance. I think the hon. member will find that that is correct. Certain research was undertaken, the result of which was kept confidential to officers of the Government, and at no stage was it given to any private company, tariff or non-tariff, to enable it to quote. That was my understanding of the matter two or three years ago, and I do not think any change has occurred since. It is quite wrong to say that private companies were never prepared to do business of this class.

I consider it would be quite wrong if the rate for this type of insurance, which is the exclusive preserve of one office at the moment, should, in effect, be frozen for three years, though there are provisions for it to be unfrozen. Yet we

expect all other rates to be subject to periodical adjustment by a committee appointed for the purpose.

Dealing with the question of legal representation, I consider that the restriction intended to be imposed will, if anything, react against the worker. I know that certain people acquire a very substantial and expert knowledge of an Act without having legal training; in fact, they often become more skilled in that restricted sphere of legislation than do legal men themselves. This is only natural.

Mr. Moir: The member for Mt. Lawley does not agree with you.

Mr. COURT: He would agree that officials like the Deputy Registrar of Companies, the Official Receiver in Bankruptcy and so forth, though not qualified legal men, are dealing with one restricted sphere of legislation all day and every day, and can answer a question readily, while those who have to deal with such questions at greater intervals need to do more research. Therefore, it is quite possible that a union advocate could well and worthily represent a worker before the board, and I do not think a worker should be debarred from that privilege; but I believe it is wrong to impose a restriction on legal representation. One of our most learned judges in recent weeks made the point that he never sat in judgment in any case without receiving benefit from the views expressed by counsel on either side, no matter how bad the counsel might be.

Mr. Moir: Some of them are pretty bad.

Mr. COURT: In view of the fact that the chairman of the board is, I understand, a legally trained man, he would receive benefit from legal opinion. If we do not permit legal representation, we shall be placing the chairman of the board in the position of having to interpret all the law, and so he would become almost judge and advocate at the same time, and that is not a desirable state of affairs.

The Minister for Labour: If both parties want legal representation, they can have it.

Mr. COURT: The danger in not permitting parties to have legal representation is that the appeals to the Supreme Court will increase. When the findings are given, a fine toothcomb will be passed over them to determine whether there is a right of appeal at law, and I can imagine many more appeals being made at great cost to the worker. There is always a degree of risk involved in litigation. If there were free legal representation before the board, the ultimate benefit would be to the worker rather than to the employer.

I was rather surprised at the remarks made regarding the assistance available to persons under the Poor Persons Legal Assistance Act. I understand that the Law Society has made approaches to various Governments with a view to giving some really worth-while assistance to the cause, and I suggest that the Minister might examine the approach that has been made to this Government—if one has been made—to assist people qualified to receive advice under that law.

The question of cost to industry has been treated rather airily by some members, though not by others, but it must be taken into account by a responsible House such as we profess to be. When I raise the question of cost to industry, I do not raise it as the be-all and end-all. I do not contend that, because the cost will be greater, we should not have the increased benefits. But let us examine the effect of this proposal on industry. I cannot believe that there will not be a big increase in premiums; in fact, I am rather surprised that there has not been some indication already of an increase in premiums based on the existing entitlement. From the figures made public, it would appear that the loss ratio used by the premiums committee could be —I am not saying it is—out of line with the current experience in respect of losses.

Quite apart from any increase in entitlement, it could be that a premium rise is inevitable, if a true accounting is made of the loss incidence. As far as I can determine from the figures available, there has been a policy of treating losses as they are paid and not as they are accrued, and with an expanding industry such as we have in this State, it would appear to me that just around the corner could be a heavy burden of accruing losses that would throw themselves back into a given year or have to be stood in a future year. On the other hand, of course, it may be that industry has so improved its safety factors and efficiency that it has been able to offset some of the risks and losses.

Mr. Moir: That is more likely to be the position.

Mr. COURT: I hope it is, because I would rather see fewer people being injured in industry than a mere increase in the payment of claims, and the hon. member would be the first to admit that.

Mr. Moir: That is true.

Mr. COURT: I feel that, if necessary, we should encourage the expenditure of funds on research to reduce the accident ratio as the mere passing of legislation to provide increased compensation is not the complete answer. I will now comment on the ratio of injuries and payments. It always seem to me that the person who deserves the greatest sympathy is the man who sustains a major injury, such as the loss of an arm, leg or eye.

The Minister for Labour: Your acting Deputy Leader does not think so.

Mr. COURT: I am not speaking on his behalf at the moment. I think a survey by the Minister—if he could give us this information when replying—would indicate

that the greatest burden on industry today in respect of workers' compensation lies in the minor claims. One would never imagine any man intentionally or willingly incurring a major injury such as we read about and which appals everyone, but I would suggest that there is less care on the part of some people with regard to minor injuries.

My last point has reference to the question of what are referred to in the measure as exnuptial children. I know that in recent years the attitude of the community has become much more tolerant to such happenings and that most of us are inclined to say, "Why punish the child?" But I feel that if we bring into a measure such as this specific provision to condone things of that kind we will not be acting properly on behalf of the community.

Mr. Moir: The Commonwealth social services legislation provides cover of that kind.

Mr. COURT: That may be so but, as someone said tonight, two wrongs do not make a right and I am surprised to see that provision contained in the legislation mentioned. I support the second reading. Doubtless the other matters discussed will be dealt with during the Committee stage.

On motion by Mr. Brady, debate adjourned.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR NATIVE WELFARE (Hon. W. Hegney—Mt. Hawthorn) —I move—

That the House at its rising adjourn till Tuesday, the 13th October, at 4.30 p.m.

Question put and passed.

House adjourned at 10.35 p.m.

Legislative Council

Tuesday, 13th October, 1953.

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

QUESTION.

NORTH-WEST.

As to Mineral Production and Treatment.

Hon. C. W. D. BARKER asked the Chief Secretary:

(1) In view of the present mineral production in the Pilbara field, will the Government give consideration to the establishment at Marble Bar of a suitably equipped laboratory to enable prospectors to get a prompt identification of ores and mineral content?

(2) Has the Government considered the possibility of additions to the State battery at Marble Bar, to enable prospectors to have treated minerals, other than gold, which occur in that district?

The CHIEF SECRETARY replied:

(1) and (2) The mineral produced in the Pilbara district is generally disposed of direct to ore-buying firms. Technical officers of the department recently investigated the position and, as a result, there appears no present warrant for special treatment facilities. To establish a mineral laboratory at Marble Bar would cost a considerable amount and there is no warrant for that at present. A Geiger counter is located at the mining registrar's office and samples can be tested there for radioactive items. At this office there is also a box of mineral specimens to enable prospectors to identify minerals.

Prospectors can also despatch their samples by air or boat to the Mines Department's laboratories in Perth for determination. The position will be watched, and should there be any warrant for additional facilities at the Marble Bar battery, the provision of these will be considered.

BILL—ENTERTAINMENTS TAX ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th September.