# Legislative Council

Tuesday, 9th December, 1952.

CONTENTS.



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

## ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Education Act Amendment.
2, Traffic Act Amendment (No. 2).
3, Marketing of Barley Act Amendment.
4, Plant Diseases (Registration Fees) Act Amendment.
5, Mining Act Amendment (No. 1).
6, Main Roads Act Amendment.

## BILL — INDUSTRIAL DEVELOPMENT (KWINANA AREA) ACT AMENDMENT.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 3 amended:

The MINISTER FOR AGRICULTURE: I promised to give members some information when the Committee stage of the Bill was reached, and I hope to explain the existing position. Section 3 of the principal Act, passed early this year reads as follows:—

> Subject to section two of this Act, this Act shall apply and have effect in relation to the whole of the land within the area delineated and coloured green on the plan in the Schedule to this Act,
>
> except land of the Commonwealth and land required to enable the State to carry out its obligations under the Agreement mentioned in the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952,
>
> and shall so apply and have effect notwithstanding the provisions of any other Act and notwithstanding anything done, suffered or decided under any other Act.

Section 4 of the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act states—

> Such land as is, in the opinion of the Treasurer, required to enable the carrying out of the obligations of the State, but which is not authorised to be set apart, taken or resumed as for a public work, in fact, pursuant to the provisions of the Public Works Act, 1902-1950, may be set apart, taken or resumed pursuant to those provisions in all respects as if the land were required, in fact, for a public work and may, when so set apart, taken or resumed, be used and disposed of in accordance with the provisions of the Agreement.

Members will note that the agreement provides that the Government should set aside certain land for the establishment of that industry, and that was done. In addition, there was a piece of land reserved for recreation purposes. However, in the carrying out of its obligations to the company, the Government omitted to provide land for the townsite on which it undertook to build 1,000 homes of which 300 are to be built next year. The intention of this Bill is to bring that townsite area under the Act in order that the Government's obligations may be fulfilled. Any public works such as roads, recreation reserves and so forth, will be taken in automatically because we are under an obligation to the company to adopt that course. That is the intention of the Bill.

Hon. F. R. H. LAVERY: Did I understand the Minister to say that the land that will be resumed, or at any rate part of it, will be set aside for sale as building blocks to the general public? If that is correct, a large area that has been subdivided for building purposes has been ruled against by the Town Planning Commission. If that is the area which is to be taken up and sold by the Government, it does not seem to be quite the right thing to do.

The MINISTER FOR AGRICULTURE: The original intention was to avoid the possibility of inflated prices being charged for blocks and with that end in view, the area was blanketed. Naturally, if owners of land there knew a big industrial organisation was to be established in the district, they would increase the

prices to be charged for their blocks. Under the legislation that has been passed the prices that ruled at the beginning of this year will be maintained. It is recognised that a large part of the blanketed area will not be required, and the blanket will cease to apply at the end of 1953, at which date the land will revert to the original owners without any control being exercised over it.

The Government is under an obligation to the company to erect 300 homes this year and eventually to put up 1,000 homes. The idea behind the legislation is that the land for those homes shall be available at reasonable prices. I do not think the hon. member would favour any unearned increment being gained by owners of blocks because of the establishment of the industry there. With regard to the point raised by Mr. Fraser in connection with market gardens and so forth, those areas will not be affected.

Hon. F. R. H. Lavery: I thank the Minister for his explanation.

Hon. G. FRASER: I intended to ask the Minister about the point I raised when the Bill was under discussion at an earlier stage. The Bill will not have the effect of lifting the blanket. I would like to know if the Government will release the area that is now under the blanket but which it knows will not be required at all. Quite a large area that is covered by the blanket will not be needed by the Government and under existing circumstances the ordinary buying and selling of market gardens in the area is interfered with. That is the point about which I am mainly concerned. When the Minister spoke of the town planned area, he referred to the townsite.

My anxiety is in respect of portions of the area far removed from Kwinana that will remain under the blanket for another 12 months. I hope the Minister will do what he can to induce the Government to release that portion as soon as possible and not wait until the end of the twelve months. Another point with regard to the blocks in the townsite is that the Minister referred to the erection of a thousand houses and mentioned 600 homes and also 400 that were required for workers' homes.

The Minister for Agriculture: This year 300 homes will be built.

Hon. G. FRASER: Yes, and the Minister referred to 400 that would be workers' homes. What are the other 600 for?

The MINISTER FOR AGRICULTURE: The effect of the amendment will be that the land acquired by the Government for the new townsite will be subdivided into approximately 6,000 building lots, of which 1,000 will be required by the State Housing Commission for the erection of houses under the Kwinana Oil Refinery agreement. The balance of the lots will be required for the erection of Workers' Homes Board dwellings, Commonwealth-State rental homes or for public sale. The whole townsite will be under control.

Hon. G. Fraser: Where will the money come from for the Commission's houses?

The MINISTER FOR AGRICULTURE: From the Treasury. I know the company has undertaken to pay rent for the houses that will be used. I suppose some of them will be sold while others will be rented. The minute I have with regard to Mr. Fraser's comments is—

> In his remarks Mr. Fraser refers to property within the green-coloured area which may be used for market gardening and other rural purposes. These considerations would not arise within the townsite area and the amendments proposed will have effect only over the townsite area. The conditions of the Act will continue to apply until the 31st December, 1953, over the whole of the area coloured green on the plan at the back of the Act with the exception of the townsite area. The Act itself only refers to land acquired by the Government for industrial purposes or public works. It does not apply in any way to transactions between other persons, and properties can be bought and sold without any restrictions as to prices or conditions between persons other than the Minister for Industrial Development. There will, of course, be the possibility that prior to December, 1953, the Minister may desire to acquire any particular block of land, in which case the January, 1952, values would prevail, but for land required for market gardening and similar usage it would be unlikely that such land would be required by the Minister for industrial purposes. There is no intention by the Government to resume land within this area for the purpose of providing agricultural supplies for the townsite. The Government is only interested in acquiring land for the townsite, for approved industries, and for roads and railways and similar public utilities. At this stage it is not possible for the Government to define the total areas required for the townsite as the planning of the townsite itself is only in the early stages.

Hon. G. FRASER: What the Minister says bears out the contention that a lot will not be required. But although the Government says it will not need the land, it still keeps a blanket over it.

The Minister for Agriculture: That is what the Act authorises.

Hon. G. FRASER: I know. But after the Act has been in operation and we have a better idea of what is required, I cannot understand why those portions that are not wanted should not be released.

The MINISTER FOR AGRICULTURE: I think the reason was to prevent inflated prices for the land. The hon. member will say that at the end of 1953 the prices can go up anyhow; but the purpose was to limit the values of the land as at January, 1952. I will submit to the Government the hon. member's wish that as early as possible the land not being taken under this Act shall be released so that the public can make use of it. The original intention was that people would not be allowed, just because works were to be established there, to place terrifically inflated prices on the land.

Hon. G. FRASER: The blanket was so lopsided that the main area where inflation would occur—that is, the Rockingham area—was not covered, but the Hamilton Hill area, which the refinery will not affect, was brought under the blanket. The other remarks of the Minister concerning the houses make me curious. I understand the Housing Commission is responsible for the building of all houses in that area but not with State Housing Commission finance. Can I interpret the Minister's remarks in that way?

The Minister for Agriculture: I could not tell you that. I do not think that the company is to find the money.

Hon. G. FRASER: Definitely not; but I am curious to know who is, and to whom the houses will be allotted.

The Minister for Agriculture: You would not expect that to be known at the moment.

Hon. G. FRASER: I do not mean to what individuals the houses will be allotted, but to what section of the community consideration will be given. I know that certain rights have been given to the Anglo-Iranian Coy. for its employees to be housed; but surely the Government should know the approximate number the company will require.

The Minister for Agriculture: One thousand.

Hon. G. FRASER: The company will require the whole thousand?

The Minister for Agriculture: Yes, and 5,000 more are to be erected.

Hon. G. FRASER: I am curious to know who will get the houses apart from the number required by the company, and if they are not being built under the State Housing Act, under what Act they will be built and to whom application will be made for their purchase. I would like to know the full history.

Hon. F. R. H. LAVERY: The Housing Commission has told us that it cannot build any more homes because it has not any more money with which to do so.

The Minister for Agriculture: It is building homes every day.

Hon. F. R. H. LAVERY: But money for expenditure has reached its limit, we are told by the Commission.

The Minister for Agriculture: At the moment, yes.

Hon. F. R. H. LAVERY: As 1,000 homes are to be built at Kwinana, we are trying to find out whether the Treasurer is going to supply the money for the building of those houses, in addition to the money provided for ordinary house building.

The MINISTER FOR AGRICULTURE: It is very clearly set out that the State Housing Commission will do the building. I think that this year there are somewhere about 4,000 houses being erected in the metropolitan area. The houses to be built under this measure will not all be erected in one year. There will be an allocation of money to the Commission, unless it ceases to exist at the end of this year. I have grave doubts about that, because I think it is here to stay.

A certain number of houses will be built for the employees of the company and a certain number will be available to people associated indirectly with the work of the company, such as road board employees and people employed in other directions. Houses will be bought exactly the same as they can be purchased in North Perth or South Perth, or rented under the same conditions. It means that there will be a new townsite established and the situation will be exactly the same as in connection with extensions in the city. There will be no difference.

Hon. G. Fraser: Yes there will, because that is Commonwealth-State money.

The MINISTER FOR AGRICULTURE: That will be so in this case.

Hon. G. Fraser: I do not think you will find Commonwealth money in it.

The MINISTER FOR AGRICULTURE: I think so. There will be blocks sold to private individuals. There is no doubt about it. I believe there was a suggestion that every alternate block should be left vacant, but it was felt that that would be too costly because water mains and roads would have to be put down and that would mean doubling the cost and having the land idle.

Hon. G. Fraser: It is the finance for the 1,000 houses about which I am concerned.

The MINISTER FOR AGRICULTURE: I am certain that the hon. member can feel secure about that. He may be responsible for the administration by the time this work starts and he will be pleased that the Act was passed.

Hon. G. Fraser: That does not answer my question.

The MINISTER FOR AGRICULTURE: I have explained the position as far as I can.

Clause put and passed.

Clauses 3 and 4, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and *passed.*

## BILL—MEDICAL ACT AMENDMENT.

Received from the Assembly and read a first time.

## BILL—BRANDS ACT AMENDMENT.

*In Committee.*

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

Clauses 1 to 10—agreed to.

Clause 11—Section 27 amended:

Hon. A. L. LOTON: I move an amendment—

> That in line 1 of paragraph (b) (i) of proposed new Subsection (3), the numeral one in brackets thus "(1)" be struck out.

This amendment has been drawn up, with the aid of the draftsman, to achieve the desired end.

The Minister for Agriculture: This provision deals with the branding of horses.

Hon. A. L. LOTON: The provision will then read—

> The owner shall mark with his registered brand his horses, in whatever part of the State they may be, before they attain the age of 18 months.

The CHAIRMAN: That presupposes that the second amendment will be agreed to, thus making the numeral one in brackets redundant.

The MINISTER FOR AGRICULTURE: I think it would be dangerous. The advice I have received from the department is as follows:—

> Over the ages, consideration has been given to an alternative method to firebranding of cattle by all States of the Commonwealth, in view of the damage it does to hides. Despite every endeavour, no alternative method has yet been agreed upon which could provide as great a measure of protection to the owner.
>
> Firebranding is the most permanent mark, and difficulty is experienced in the alteration of its characters for fraudulent purposes.
>
> Earmarks can be readily altered and obliterated with a knife.
>
> Earmarking is compulsory in sheep, as firebranding is impracticable. There are few marks in which the original characters do not become distorted in the process of the healing of the ear, hence the difficulty in determining ownership of sheep in case of stealing. This would also apply to cattle if owners were allowed to use earmarking only.
>
> If the firebranding of cattle and horses did not remain a compulsory procedure, as at present provided in the Act, stock owners would not have sufficient protection against theft.
>
> Further, in order to minimise the destruction of the most valuable portion of the hides, the Act provides that the owner may if he wishes place the first firebrand on the near neck.

The department is anxious to assist owners in preventing theft. In some parts of the State unbranded stock may be picked up when a drover goes through and if they were earmarked only, it would be more difficult to determine their rightful owners.

Hon. L. Craig: They would be branded.

The MINISTER FOR AGRICULTURE: Mr. Loton's intention is to make it optional.

Hon. A. L. Loton: The owner would do what he thought was necessary to look after his own assets.

The MINISTER FOR AGRICULTURE: If any stock are now found unbranded on a road they belong to the Crown, and the custom in all parts of the world has been, for a great many years, to firebrand stock. Without such a brand I think it would be difficult to trace lost or stolen cattle, particularly in the northern part of the State. I oppose the amendment.

Hon. H. L. ROCHE: The Minister and the department are ignoring the fact that an owner is the best judge of what is necessary to protect his assets. If an owner is satisfied that his stock are protected without the use of a firebrand, it is foolish to insist on it. I do not think anyone wishes to make it easier for people to steal cattle, but I believe that on reflection the Minister might revise his attitude.

Hon. C. H. HENNING: I am sorry that the department and the Minister cannot agree to the amendment, which would deal only with an area roughly comprising the South-West Land Division. As Mr. Craig said the other evening, there are a great many cattle, on various properties, that have not the brands of their owners. If I bought 50 cattle at Midland Junction, I would not get a complete list of the brands from the agent.

The Minister for Agriculture: Yes, you would.

Hon. C. H. HENNING: I have bought a lot of cattle, but have never been given such a list, though when I have bought

stud cattle I have, where possible, obtained a list of the tattoo marks. The area affected by the amendment is one mostly of small holdings on which the owner would see his stock frequently and would know them. As Mr. Barker said, even a firebrand can be altered although the scar takes a considerable time to heal. As the present provisions are not always complied with, I think the amendment would protect the interests of the owner, the agent and the department.

Hon. C. W. D. BARKER: I was alarmed when the amendment was first mooted because I thought it would provide in the Act for a brand or earmark to be compulsory; but now that it is optional, I see no objection to it. So far as the cattle entering the Midland Junction markets are concerned, I can tell Mr. Henning that any beast over 18 months that enters the market at Midland Junction must be inspected and all brands are taken by the inspector. I am sure cattle will never be earmarked in the North-West and I can see no objection to the amendment as it refers to the areas down here.

Amendment put and passed.

Hon. A. L. LOTON: I move an amendment—

> That in line 8 of paragraph (b) of proposed new Subsection (3), the figures "(ii)" be struck out and the following inserted in lieu:—
>
> > "(c) the owner shall mark with his registered brand or earmark—"

I think members will realise the necessity for this amendment.

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

Clauses 12 and 13—agreed to.

Clause 14—Amendment of Section 32:

On motions by Hon. A. L. Loton, clause amended by inserting the words "or earmarked" after the word "branded" in lines 3 and 7 of proposed new Subsection (6).

Clause, as amended, agreed to.

Clauses 15 and 16—agreed to.

Clause 17—Amendment of Section 47:

On motions by Hon A. L. Loton, clause amended by inserting after the word "brand" in line 3 of proposed new Subsection (2) the words "or earmark"; and by adding the words "or earmarked" at the end of proposed new Subsection (2).

Clause, as amended, agreed to.

Clause 18—Amendment of Section 48:

Hon. A. L. LOTON: I move an amendment—

> That in line 4 of paragraph (b), after the word "branded," the words "or earmarked" be inserted

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

Clauses 19 to 21, Title—agreed to.

Bill reported with amendments.

## BILL—MILK ACT AMENDMENT.

*Assembly's Message.*

Message from the Assembly desiring concurrence in an alternative amendment made by the Assembly in lieu of the Council's requested amendment, now considered.

*In Committee.*

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

Clause 2—Section 61 amended:

The CHAIRMAN: The Assembly's alternative amendment is as follows:—

> Delete all words after the words "an amount" in line 18, down to and including the word "year" in line 20, and insert in lieu the words "recommended at least once annually by the Minister and approved by the Governor."

The MINISTER FOR AGRICULTURE: I propose to agree to this amendment, although I dislike it. This is a class of legislation under which the unfortunate Minister is always having the screw put on him to increase these grants. If I were likely to remain the Minister for Agriculture, I would certainly have opposed it, but as things are, and as it is apparently the wish of members, I move—

> That the alternative amendment be agreed to.

Hon. C. H. HENNING: I am pleased the Minister has accepted this alternative amendment, though I regret his statement that he would have been against it if he anticipated remaining the Minister for any length of time. The main concern is that it is coming under review every 12 months and not as previously stated. The compensation paid out, plus the credit to the dairy cattle compensation fund, is over £160,000 and the Government's contribution to that is under £41,000.

Hon. A. L. LOTON: The trouble we took over this Bill seems to have been worth while, even though the amendment is not in accordance with the Minister's wishes. But it is in line with the views of the people who are producing milk and who are entitled to compensation. On the figures mentioned by Mr. Henning, I think we are justified in taking this action.

Question put and passed; the alternative amendment agreed to, and a message accordingly returned to the Assembly.

Clause, as amended by the Assembly, agreed to.

Title—agreed to.

Bill reported as amended and the report adopted.

## PRIVATE INQUIRY AGENTS SELECT COMMITTEE.

*Consideration of Report.*

**HON. E. M. HEENAN** (North-East) [5.29]: I move—

> That in the opinion of this House, the recommendations of the Select Committee appointed to investigate and report upon the activities of private inquiry agents should be carried out.

The report has been printed and I assume members have read it. If my assumption is correct, there is nothing for me to add. The report speaks for itself but I would like to stress the fact that the recommendations contained therein are the unanimous decisions of the Committee. The final recommendation is that suitable legislation should be brought before Parliament at the first opportunity.

**HON. A. R. JONES** (Midland) [5.30]: I second the motion and, in doing so, wish to state that the Select Committee, as mentioned in the report, interviewed quite a number of witnesses and decided definitely that legislation should be introduced to deal with this matter.

**HON. R. J. BOYLEN** (South-East) [5.31]: As a member of the Select Committee, I support the remarks of Mr. Heenan. If members read the report, I think they will agree that legislation is necessary. In my opinion, the registering of these people is as essential as is the registering of land agents, and for very similar reasons. Further, legislation is virtually the only means by which private inquiry agents can be controlled. We have had evidence of the experience of people who had had dealings with undesirable agents and been charged exorbitant fees. The evidence showed that some legislation to control these agents should be enacted as soon as possible in the interests of people who have to avail themselves of such services.

Question put and passed; the motion agreed to.

## BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [5.33] in moving the second reading said: This Bill seeks to amend the Government Employees (Promotions Appeal Board) Act. Members may be interested to hear a brief history of the events which led to the introduction of the principal Act, which was the result, primarily, of representations made by the Civil Service Association for legislation to replace a board set up by the Public Service Commissioner, which had no legal standing. That board consisted of the Public Commissioner as chairman, the Auditor-General or another senior administrative officer when audit cases were concerned, and the general secretary of the Civil Service Association.

This unofficial board restricted its hearings to Public Service cases, and then only to those appellants from the department in which the vacancy occurred who were senior to the officer recommended for promotion. It was strictly a board to consider claims for promotion, and although it was headed by the Public Service Commissioner, and consequently might have been thought to have been weighted to some extent on the side of the recommending authority, it provided an avenue for the ventilation of grievances against the failure of departmental heads to accept the claims of officers on their own valuation of their prospective worth to the Public Service. The board's activities certainly did not extend far enough, but its hearings and decisions over its 10 years of life did much to dispel any earlier feelings of favouritism in the selection of officers for advancement.

Its partial success created a desire for a body which would have the widest possible application. All organised bodies of Government employees then banded together, and their united efforts were successful in obtaining parliamentary approval of the Act that has now been in operation for more than six years. The Act applies to persons employed in a permanent capacity in any department who are required, by the terms of their appointments, to give their whole time to the duties of their employment. The term "department" is wide in its application and includes all Government instrumentalities and trading concerns. Members of the Police Force, however, have recently been excluded, following the setting up of a separate tribunal to hear their promotional and other appeals.

The Act in its present form extends the right of appeal to applicants for all positions having a salary grading up to £750 per annum, plus the basic wage increases which have been declared since the Act came into operation. The existing limit, on the current State basic wage of £662 per annum for the metropolitan area, is £1,111. The limit of £750 was fixed after considerable discussion turning around an alternative proposal to determine the positions which might be excluded from appeal. It was recognised then, as I am sure it will be recognised now, that it was not possible to set out a schedule of the positions which should be excluded, and neither was it practicable to define such positions, as changing circumstances would be bound to cause the creation of new positions or cancel some then in existence.

The figure of £750, therefore, was selected as reasonably marking the division between the responsibilities for selection which the Government should reserve to itself and the appointments for which appeals against the recommendations of authorities should be allowed to go before a constituted tribunal with both employer and employee representation and an independent chairman. Since that time, an amendment to Part X of the Industrial Arbitration Act, which applies to Government officers, has more clearly defined the limit of Arbitration Court jurisdiction to members of the Civil Service Association, and, by a mutual understanding between the association and the Public Service Commissioner, this limit has also been applied, for the purpose of promotional appeals, to a number of positions which come under the Public Service Act. This limit, defined in the Industrial Arbitration Act as the "justiciable salary" is now a gross salary of £1,347 per annum, adjustable with the metropolitan basic wage and other factors affecting the classification of officers.

The Bill now before the House seeks to extend the same principle to promotion appeals as applies to Arbitration Court jurisdiction. It is considered that no fairer basis can be found for application to all services, especially when it is borne in mind that the Arbitration Court limit clearly establishes separate groups of officers in the Public Service which have their counterparts in the railway service and may readily be applied to other Government services which, in general, follow Public Service classifications.

The proposed limit of £1,347 is £246 per annum above the existing limit of the Promotion Appeal Board's jurisdiction. It includes marginal increases which have been granted since the Act came into operation and, under the definition of "justiciable salary or wage" given in the Bill, the limit will vary with basic wage and marginal adjustments in the future. This is the principal amendment proposed in the Bill. It meets with the agreement of the main employing authorities under the Crown in Western Australia, and it is also in accordance with a request received from the Civil Service Association.

The only other amendment covered by the Bill is one to give a definition of "seniority" as it applies to the teaching service. The definition in the Act is not appropriate to seniority in the teaching service and it has had to be disregarded by the board in its consideration of teachers' appeals. A rather complicated formula was suggested by the Teachers' Union, which was much the same as the formula used in the department for the compilation of promotion lists in the primary service. However, it was not suitable for the teaching service as a whole, and the formula which has been adopted by the board for its determination of seniority has been accepted for inclusion in the Bill.

The Act, from its inception to the 30th June, 1952, has provided the machinery for the board to hear a total of 822 appeals. Of these, 201, or approximately 24 per cent., have been successful. The cost, excluding the value of the time spent by departmental advocates in the presentation of cases to the board and the salaries of the chairman and other members of the board, has amounted to £3,982, or an average of approximately £4 17s. for each case which has come before the board for hearing. I move—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

## BILL—MEDICAL ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [5.43] in moving the second reading said: Members are aware that, in order to assist in overcoming any shortage of medical practitioners in this State and to give employment in their own sphere to migrant doctors, the principal Act was amended in 1940 and again in 1950 to provide for what are termed regional and auxiliary services. Various parts of the State where there was a shortage or entire lack of doctors were divided into regions, and new Australian doctors, whose qualifications did not entitle them automatically to practise medicine in this State under the reciprocal provisions of the parent Act, were allotted to these regions. After seven years of satisfactory regional service, they could then be registered to practise anywhere in Western Australia.

The conditions governing doctors placed with auxiliary services were similar. These services were formed to cover fields of medical practice, such as the Red Cross Blood Transfusion Service, which could not be regarded as regions, but which needed the appointment of doctors. Before explaining the reasons why it is proposed by the Bill to reduce, in certain cases, the term which these new Australian doctors have to serve in regions or in auxiliary services prior to their becoming entitled to State-wide registration, I think members might appreciate a short recapitulation of the events which led to the formation of these services.

Members are no doubt cognisant of the fact that British and Australian universities train medical men to a pattern that is justly celebrated throughout the entire free world, and that Australian medical schools are noted for the high standard of their graduates. On the other hand, the European medical degrees held

by migrant doctors are of varying quality. Prior to the 1939-45 war, some of these degrees were recognised as indicating a high standard of professional skill; others have never enjoyed good reputations. The appalling conditions in Europe during the war seriously affected the training of medical students. The great battles, the mass bombings, the movements of huge armies and the evacuations of entire populations, caused chaos in hospital and medical training services.

Many of the prewar teachers in medical schools were "liquidated" by the new military and political regimes, with the unfortunate result that the training of medical students was seriously affected. Even prior to the war the standard of this training did not approach that of English-speaking countries, and since the war the conditions to which I have referred have lowered even this standard. During and since the war, dramatic and spectacular changes have taken place in the medical sciences. These have originated mainly in the English-speaking countries and have been incorporated in the training of our medical students. The universities of Eastern Europe were denied these advantages with a consequent deleterious effect upon the scientific background of their medical graduates.

At the end of the war, hundreds of refugee medical men, some of whom had not practised medicine for upwards of ten years, migrated to other parts of the world. Many of these doctors had been out of touch with their professions and had not had the opportunity of attaining proficiency in the techniques associated with the use of modern drugs and surgery. Most of these doctors possessed little or no knowledge of English and this was a serious obstacle to their learning the new methods. In Canada, for instance, about 400 refugee doctors were carefully screened, and 300 were placed in Canadian hospitals for experience. At the end of their first year only 175 were considered sufficiently experienced to sit for an examination, and only 86 of these were successful, some after three or four attempts.

The greatest possible sympathy and assistance were extended to these doctors, but even so, the results were disappointing. In many cases the cause of failure was the fact that the refugees received their training during the war years when medical education in Europe had seriously deteriorated. A similar experience, on a much smaller scale, occurred recently in Tasmania, where, after a year's hospital experience, three European graduates submitted themselves for examination, but only one passed.

Western Australia, while exercising every care, has adopted a liberal attitude toward refugee doctors. Of the 20 who have been accepted for regional work, six have served for seven years and have been registered without reservation to practise anywhere in the State. The Medical Board in this State has been careful and thorough in its choice of men for regional registration, and considers it has now obtained the services of the best of the migrants who were applicants. The training and qualifications of many of the others left much to be desired, and the Medical Board is convinced that rigid safeguards are still necessary to protect the standard of medical training in Western Australia. However it is thought that the period of seven years' service in a regional or auxiliary service is too long in the case of some of these carefully selected and capable men.

The Medical Board, and bodies representative of the highest circles of the medical profession have been consulted, and, as a result, it is felt that some concession is warranted, while at the same time guarding the public interest by retaining those safeguards essential to protect Western Australian medical standards. The object of the Bill, therefore, is to entitle any doctor, who is appointed to serve for seven years in a region or auxiliary service, to take an examination after three years of service, and to obtain unrestricted registration if he is successful. If the Medical Board thinks fit, it can allow a doctor to take the examination after less than three years' service. Any doctor who fails to pass such an examination may try again at not less than yearly intervals. Such an interval is advisable in order to allow unsuccessful candidates to obtain further knowledge and experience.

The Bill provides that the Medical Board shall appoint the medical faculty of any Australian university to act as the examiners. If no faculty can accept this responsibility, the board will make another choice. This appears to be a very sensible Bill. It has the approval of the medical authorities in this State, and the concession it offers to capable migrant doctors will be of service, both to them and to Western Australia. I move—

> That the Bill be now read a second time.

**HON. J. G. HISLOP** (Metropolitan) [5.50]: I am glad to see that a move has been made to reduce the period of regional registration so that these men shall be given an opportunity to register for full service in the State. At the same time, as the Minister pointed out, it is essential for the health of the community that proper safeguards be instituted so that no man shall be registered who can not stand up to the rigid qualifications required for medical practice within Australia. The Bill goes a long way towards helping these people, but I have a feeling that it will have a short life, because it will not be long before we will have sufficient of our own gradu-

ates to fill every area of the State so that there will no longer be a need for regional registration or the auxiliary services.

This morning I learnt that the position may be reversed inasmuch as we might have to institute moves to give some of our graduates hospital experience. I think the enormous number of about fifty odd applications were received by the Fremantle hospital for positions on the resident staff there. The positions at the Royal Perth Hospital are also well covered, even taking into consideration the increased numbers that were agreed to last year. After a war, the number of men going for medical degrees increases annually until the true level is found again some years afterwards.

Already in the Eastern States the number of students enrolling for the medical faculties is beginning to lessen. Therefore we need not pay much attention to the Bill as a measure for long service. It contains some points that are worth discussing. First of all, we are to allow these men, instead of having to do a full seven years' service in a region—and as a rule the region is in a far portion of the State—to sit for an examination at the end of a three-year period. This is something which is regarded by the B.M.A. as essential in order that we might keep the standard high, but I am afraid it is something that will be extremely difficult for the new Australian to stand up to.

Frankly, if I were asked to submit myself today to an examination based on academic principles, with practical medicine left in the discard, I would fail. Therefore I doubt whether some of these men will accept the offer to sit for an examination at the end of three years. They will probably continue to do their seven years. But there is this safeguard, that the man who feels he is capable of passing an examination of this nature, may ask permission to sit for it and, if successful, he will be registered at an earlier date. It will be almost impossible for any of these men to pass the examination unless they are very fluent in the English language. One man who recently passed the examination said it would have been impossible if he had not been able to think in the English language.

I foresee one difficulty in the Bill. Another place added this proviso—

> Provided that the Medical Board, in its absolute discretion, may reduce the period of three years to any lesser period considered sufficient.

This does not enable the board to waive the examination. I would have liked to see the Medical Board given the power to waive the examination, but all it can do is to reduce the period of service within a regional or auxiliary service, from three years. I do not think this is what the mover of the amendment in the Lower House meant, because it is still obligatory on anyone who comes here with a sound knowledge of the subject, to sit for an examination.

Hon. Sir Frank Gibson: It is a practical exam though, is it not?

Hon. J. G. HISLOP: No.

Hon. H. S. W. Parker: It could be purely practical.

Hon. J. G. HISLOP: It could be, but I do not think it will be, because the examination has to be conducted by a medical faculty, and I do not think a medical faculty will reduce the standard of its examinations.

Hon. Sir Frank Gibson: You do not want it to.

Hon. J. G. HISLOP : That is so. I would like to give the Medical Board the power to say to a person, "We will register you." The Medical Board does not want to use this power, but I believe there are cases of injustice where it should. There was a man named McNamara who did his preliminary work at the Fremantle hospital, and whose knowledge is very sound. Because, however, of some lack of reciprocity between India and Western Australia he has to go, if he wants to remain in this State, to a region. He was, in fact, consigned to a region, but even then it was laid down that a prescription written by him could not be dispensed outside of his own townsite; nor could he assist a man outside his region to give a general anaesthetic. This is not commonsense.

I can say from my own knowledge that McNamara, because he was for a considerable time at the Fremantle hospital, where I have recently rejoined the staff and saw a lot of his work, does very sound work. Yet, even under this measure, he is consigned to a region for a period to be fixed by the Medical Board, and then must sit for an examination before he can be registered. But if he liked to walk out of Western Australia he could get immediate registration in almost any other State.

Hon. Sir Frank Gibson: Could he not then come back here as a registered man?

Hon J. G. HISLOP: I doubt it because we have no reciprocity with the university at which he got his degree. I discussed this point with the department and suggested that the Minister, on the advice of the Medical Board, should be given the power to register a man if the board was satisfied, at the end of his hospital experience, that he was sound, had the knowledge and was of the same standard as we require. But the suggestion seemed to infringe the Medical Act, and to have no place in the matter of registration.

But I still believe we are not doing justice when we insist that a man of the standing of McNamara must submit himself to an examination, because after a number of years in practical work, considerable effort would be required to get up to the necessary academic standard to pass an examination. I see no way of altering the position except to go further with the proviso so that the Medical Board, in its absolute discretion, may reduce the period of three years to any lesser period, or may register. But I doubt very much whether that is permissible within the Act.

The Minister for Transport: Would not the paragraph in Subclause (2) of Clause 3 cover it?

Hon. J. G. HISLOP: No. It says—

> If he has for a period of three years or more or for periods aggregating a period of three years or more held a certificate . . . . . .

All that the proviso does is to reduce the period. He still must take an examination, or at least that is the way I read it. All that we have done in the proviso is to lessen the three-year period. It says—

> A person seeking registration under paragraph (a) of this subsection may make application to be so registered . . . . . .

Hon. L. A. Logan: Cannot we include it in another clause and so cover it that way?

Hon. J. G. HISLOP: I doubt whether it is permissible under the Act. In any case, we can discuss that aspect in Committee. We have decided that the board shall ask some medical faculty to set examinations. I understand, in the case of Tasmania, that New South Wales refused and said it could not undertake to send examiners to Tasmania to carry out the work. Victoria has sent its examiners to Tasmania and the Minister said that three candidates were recently examined in that State and one of them was able to qualify.

After having a talk with officers of the department today, I gathered that the intention is that the Medical Board shall pay the costs of sending these men to the university to sit for their examinations. If it is a question of sending these men to Adelaide it will cost, I should say, £50 or £60 per head and it could easily be around about £100 per head. The Medical Board has no funds except what it gets from registration fees paid annually by members of the medical profession.

Hon. H. Hearn: Are they considerable?

Hon. J. G. HISLOP: Yes, the fees are £3 3s. per head and there are about 400 medical men in the State, which means about £1,200 a year at least. Out of that the Medical Board has to pay the expenses of the board—that is, the salary of the secretary and the cost of renting —offices—and so on. A few years ago when an amending Bill was before this House, I was able to move an amendment to the effect that all money in excess of expenditure should be devoted to the advancement of medical science. The library, assisted by the Medical Board, has meant a tremendous thing to the medical profession and under the careful guidance of the librarian, Mrs. Button, the library has grown to such an extent that every member of the profession in the metropolitan area relies upon it in regard to difficult cases and to increasing his knowledge of medicine.

Hon. G. Bennetts: The country men are handicapped.

Hon. J. G. HISLOP: No, they are not, because they have only to write down and the documents will be sent up to them. We are not handicapped because we live in this State; we have only to send to the libraries in the other States and we will be sent photostat copies of anything we want. However, in recent times the library has become more difficult to manage owing to rising costs, and in view of these costs the board's contributions to the library have fallen off. While so far the profession has been able to maintain it on annual subscriptions it may be necessary further to increase subscriptions to enable payments to be made to the library. If the cost of sending these men interstate for their examinations is to be borne by the Medical Board, it could quite easily wreck the finances of that organisation and most certainly would wreck the finances of the medical library.

Yet there is nothing in the Bill to say who is responsible for the cost of sending these men to the other States to undergo examinations. Do they pay their own expenses? In the other States, and in Tasmania in particular, the examiners are brought to the State concerned. I do not want to see a kindness done to these men at the expense of the whole public, because the public would suffer considerably if we had to reduce the number of periodicals and the amount of literature that comes into the B.M.A library. So I would like the Minister to tell us who is responsible or who will be responsible for the costs attached to the applications that these men make for registration.

If they are expected to pay their own expenses, it will still be difficult because the salaries that we have paid over the years have been low and these men may not be able to stand the costs of travelling interstate, probably to the Adelaide University. That institution, too, may be unable to cope with the situation and we may have to go further. Members should be aware of all these aspects and I have no desire to be generous to Australians at the expense of the medical service.

There is one other aspect to which I would like to refer and on page 3 of the Bill there is a paragraph which states—

> Except where they are unable or unwilling to accept appointment under subparagraph (i) of this paragraph, the persons constituting the medical faculty of any university in the Commonwealth shall be appointed by the board as the examiners.

I am not certain that the medical faculty would include examiners. I should think that such a faculty might include even lay people or people from other services within the university. I doubt whether examiners at a medical school are necessarily members of the faculty. I am wondering whether it should be "the persons shall be appointed by the faculty."

Hon. H. S. W. Parker: Do you think it should include medical persons who are members of the faculty?

Hon. J. G. HISLOP: I doubt whether they are all examiners.

Hon. Sir Frank Gibson: Would they be qualified as examiners?

Hon. J. G. HISLOP: Not every member of the profession can be an examiner, nor can be every member of a training school. The question of being appointed as an examiner in medical work calls for a high standard of efficiency both in medical work and in lecturing.

Hon. H. S. W. Parker: Generally speaking, who are the examiners in a medical school?

Hon. J. G. HISLOP: The medical men. They are chosen from the teaching staff of the hospital and whether they would be members of the faculty or not, I do not know.

Hon. H. Hearn: You think that there is a possibility they might have some lay members on the faculty?

Hon. J. G. HISLOP: I think there might be—other professional men in order to link it all together. I think a medical faculty would surely comprise medical men but not necessarily examiners.

Hon. H. S. W. Parker: They would be only those qualified by examination.

Hon. J. G. HISLOP: I think the wording is wrong but I have much pleasure in supporting the measure and will deal, during the Committee stage, with the various points I have raised.

**HON. G. BENNETTS** (South-East) [6.10]: I support the measure because in certain parts of my district we have been short of doctors for some considerable time. As Dr. Hislop has said, a number of younger people are taking up this profession and, personally, I do not think we can have too many doctors in the State. If we can have a little competition in some of these outback places it will improve efficiency and certainly will not do any harm. I think the three-year period is necessary but, as Dr. Hislop said, if we have an outstanding man he could be examined within 12 months or even a shorter period than that. I do not know whether these doctors coming into the State from foreign countries are capable of taking on all types of work or whether they have specialised in surgery or some other branch. But I support the Bill in the hope that it will improve the efficiency of medical services in the outback areas, so that the people in those districts may get a much better service than they have done in the past.

**HON. R. J. BOYLEN** (South-East) [6.11]: I support the second reading of the Bill because I think it is a move in the right direction. I would like to know how long this amendment will remain in operation. We may find that members of the medical profession from other countries will come to Western Australia, say in ten years' time, and they will come under the provisions of this amendment. The Minister said that it refers to men who had been admitted to the profession after seven years' satisfactory regional srevice. Who will be the judge as to whether a man has given seven years' satisfactory regional service?

Hon. J. G. Hislop: The Minister.

Hon. R. J. BOYLEN: Then I am even more inclined to support the Bill, because these men will have to submit to examinations and their examiners will be more competent to know whether these people should be registered or not. I support Dr. Hislop in his remarks regarding the faculty of medicine because, as he pointed out, there may be people on a faculty who would not be competent to act as examiners.

The Minister for Transport: Would not they be aware of that? The board is responsible.

Hon. R. J. BOYLEN: It says—

> Except where they are unable or unwilling to accept appointment under subparagraph (i) of this paragraph, the persons constituting the medical faculty of any university in the Commonwealth shall be appointed by the board as the examiners.

There may be lay persons on the faculty, and they would not be competent to set examinations.

The Minister for Transport: I would assume that the board, having a responsibility, would make it its business to secure a suitable examiner.

Hon. R. J. BOYLEN: That is probably what is meant, but the wording will have to be altered to make sure of it. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. H. S. W. Parker in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

*Sitting suspended from 6.15 to 7.30 p.m.*

Clause 2—agreed to.

Clause 3—Subsection (2a) added to Section 11:

Hon. J. G. HISLOP: I would like the view of the Minister as to whether it would be possible to extend the provisions of the clause to give the Medical Board power to grant full registration? The only power that the board would have under the clause as it stands would be to reduce the period of years a man has to serve before he can sit for an examination. If we give the board power to grant registration, would it exceed the terms of the Act?

The Minister for Transport: Does not paragraph (c) (i) cover the point the hon. member is making

Hon. J. G. HISLOP: No, paragraph (c) only sets out the time the board shall appoint persons to conduct examinations.

The CHAIRMAN: I take it that what the hon. member is asking is whether paragraph (2a) (a) would override the provisions of the Medical Act.

Hon. J. G. Hislop: Yes.

The CHAIRMAN: Subparagraph (ii) of paragraph (a) of proposed new Subsection (2a) refers to a provisional certificate of registration and therefore deals only with the person himself.

Hon. J. G. HISLOP: Therefore, you, Sir, are of the opinion the board would be granted full power under that clause?

The CHAIRMAN: Yes.

Hon. J. G. HISLOP: There are some other matters I would like to raise that come within the scope of the clause, but I take it that you, Sir, have ruled I cannot move an amendment to add anything?

The CHAIRMAN: No, I did not understand that the hon. member wanted to add anything. All I am saying is that this subparagraph limits the power of the board to lessen the period of years to be served under regional registration. That is the only power given to the board.

Hon. J. G. HISLOP: It seems to me that it would be impossible—although I would like to—to give the board power to register a medical practitioner without an examination.

The CHAIRMAN: I do not think there is anything to prevent the hon. member doing that.

Hon. J. G. HISLOP: It is very difficult to add to the clause to provide for adequate safeguards.

Hon. G. Fraser: Do not the words at the beginning of paragraph (a) of the proposed new Subsection (2a), " a person is entitled to be registered" cover the hon. member's point?

Hon. J. G. HISLOP: No, he is entitled to be registered only if he has served the period that the board considers is sufficient.

The CHAIRMAN: The hon. member desires that the board should have power to exempt a man from examination?

Hon. J. G. HISLOP: Yes, where necessary in the few odd cases. I think I will let the matter drop, Mr. Chairman, and make further inquiries in order to move an amendment next session. I would also like to move another amendment to subparagraph (ii) of paragraph (c) of proposed new Section (2a).

The MINISTER FOR AGRICULTURE: If this amendment is moved, Mr. Chairman, and progress is reported, could we go back to an earlier part of the clause?

The CHAIRMAN: No, the Bill would have to be recommitted.

The MINISTER FOR AGRICULTURE: I think we should report progress.

The MINISTER FOR TRANSPORT: I was going to suggest that. Dr. Hislop has referred to certain desirable amendments to the clause. It seems to me that the first portion of the clause sets out the particular qualification that a medical practitioner should have before he is entitled to be registered. The intention was to empower the board to grant a medical practitioner full registration subject to an examination after a period of three years, but at present I understand that if he serves seven years in a region, he is entitled to automatic registration without an examination.

Hon. J. G. Hislop: Yes.

The MINISTER FOR TRANSPORT: As the hon. member pointed out, some of them may possess the necessary qualifications, but because of their limited knowledge of English, which would not affect the practical side of their work, they might not be able to pass the examination. I would suggest that Dr. Hislop make some further inquiries as he suggests, and we could now report progress in order that he may move the amendment he desires.

Hon. J. G. HISLOP: The Act empowers the board to register medical practitioners. This section allowed the board to register doctors after certain conditions had been complied with. Whether we can amend this clause to grant power to the Medical Board to register a man without affecting the provisions of that section is something I do not know. If it can be done, it should give the board absolute power to decide

whether a person was fit to be registered after he had served a lesser period of service and to submit him to an examination before completing the full period of seven years. The board has done a good job to date and I would not hesitate to place power in its hands to register such a man if it so desired. Referring to subparagraph (ii) of paragraph (c) of proposed new Subsection (2a), I doubt whether the persons constituting the medical faculty could report. If we left it to the faculty to nominate the examiners we could get the report from them.

I am quite certain that the examiners are not always members of the medical faculty and it is not always a medical man who is on the faculty. I would suggest that the word "constituting" in lines 4 and 5 of subparagraph (ii) be struck out and the words "nominated by" inserted in lieu. Those are the only two amendments that I would make to the clause. It is very gratifying to have an opportunity to report progress because the Committee should know how the cost of this proposal is to be met. If six or seven of these men were granted permission to conduct examinations in any one year, I fear what would happen to the medical library.

The MINISTER FOR AGRICULTURE: I have heard the case put forward by Dr. Hislop with regard to Dr. McNamara, and I happen to know the facts well. What we ought to do under this Bill is to make provision for registration to be granted to a naturalised British subject who has practised for not less than five years provided he produces evidence to that effect. The man who was referred to by Dr. Hislop had qualified at the Madras University in India. He is an Englishman who married a Western Australian girl. He came here, but was not permitted to practise although had he gone to Queensland or South Australia he would have been able to do so. He is a regional doctor today. I know nothing about his qualifications but, as Dr. Hislop has indicated, his work at the Fremantle hospital has been satisfactory, and I think he should enjoy registration.

Hon. J. G. Hislop: That is right.

The MINISTER FOR AGRICULTURE: If that is so, why should he be deprived of the right to practice

The CHAIRMAN: Order! I would like the Minister to connect his remarks up to the clause.

The MINISTER FOR AGRICULTURE: If an amendment is to be made to it—

The CHAIRMAN: There is no amendment.

The MINISTER FOR AGRICULTURE: If you do not want me to proceed, Mr. Chairman, I will resume my seat.

Progress reported.

## BILL—ROAD CLOSURE.

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. Sir Charles Latham—Central) [7.48] in moving the second reading said: This is the usual Road Closure Bill that is introduced at the end of a session. I shall deal with the various proposals mentioned in the clauses and subsequently shall place on the Table of the House the particulars, together with the lithos showing what is to be done. Dealing with the clauses seriatim, the particulars are as follows:—

Clause 2: Closure of portion of Mill-st., Albany—

It is desired to close an inaccessible portion of Mill-st., Albany, on the eastern side of Hunts Fish Processing Factory, the buildings belonging thereto having encroached on to this undeveloped road. Owing to the steep nature of this portion of the road, its construction as a public road would be impracticable. A road which gives access to the gas works has been constructed along the southern side of the fish factory and this road will be protected for public use. A right-of-way 40 links wide is to be provided at the western end of the fish factory for the benefit of the gas works.

Clauses 3 and 4: Closure of Low-st., Mawson-st., Moth-rd. and portion of Macdonald-rd.—

Subdivisions at Albany for the State Housing Commission involve alteration to the road system which requires the closure of Low-st., Mawson-st., Moth-rd. and portion of Macdonald-rd. The new design provides a much improved road system. The land in roads to be closed will be absorbed into the subdivided lots and proposed reserves.

Clause 5: Closure of portion of Road No. 46 Brunswick Junction—

In September, 1951, a strip of land about 50 links wide was resumed for the purpose of widening the South-Western Highway south of Brunswick Junction. Subsequent investigation revealed that substantial improvements existed on portion of the land resumed and it had not been intended that this portion be resumed, but, through error or omission, it had not been excluded from the description of the land resumed. It is necessary to close this portion of the road-widening which extends for a distance of eight chains 31.4 links, and to vest the land in the owners of the land from which it was resumed. Three of the holdings affected by the resumption are used for the purpose of

saleyards by three stock firms, viz., Dalgety & Coy. Ltd., Elder Smith & Coy. Ltd. and Goldsborough Mort & Coy. Ltd.

Clause 6: Closure of Road No. 3299 (Short-st.) Bassendean—

It is desired to close Short-st. Bassendean and to dispose of the land therein to Hoskins Engineering and Foundry Pty. Limited for the price of £80. The fifty link truncation at the south-western corner of Lot 300 on Land Titles Office Plan No. 2759 is to be vested in the owner of that lot to square up the corner of the lot.

Clause 7: Closure of portion of Cleaver-st., Carnarvon—

To straighten Cleaver-st., Carnarvon, and to remove a step therein it is necessary to close portion of the existing public road. It is proposed that the land in the portion to be closed will be added to the adjoining Hospital Reserve No. 2871. The hospital fencing already encroaches on this portion of the road and additional land is required on this boundary of the reserve for the erection of further hospital buildings which are required urgently.

Clause 8: Closure of portions of Emery and Beasley-sts., Carnarvon—

The portions of Emery and Beasley-sts., Carnarvon, which it is proposed should be closed, are considered impracticable from a road construction view point. This portion of Carnarvon townsite near Yanget Pool is extremely irregular in formation and the natural features and contours render portions of these roads unsuitable and their closure is desirable.

Clause 9: Closure of a certain right-of-way at Claremont—

The Commissioners of the Presbyterian Church in Western Australia own an estate in fee simple in the land on either side of a right-of-way connecting the ends of Fern and Garden-sts., Swanbourne. The right-of-way was provided when subdividing for the State Housing Commission, an area which the Commission later sold to the Presbyterian Church for proposed additions to the Scotch College playing grounds. The right-of-way is no longer required and the church authorities desire it closed and wish to purchase the contained land with the object of consolidating their holdings. A price of £120 has been placed on the land for the purpose of the proposed sale.

Clause 10: Closure of Rowland-st., Geraldton—

Certain land at Geraldton was resumed under the Public Works Act for workers' dwellings and road truncation and was accordingly registered in the name of the Crown. A subdivision of the land on Land Titles Office Plan No. 6063 provided for two roads through the area later dedicated as Rowland and Haddy-sts. The land the subject of the plan was transferred to the State Housing Commission which subsequently acquired further land adjoining and, in the subdivision thereof, provision has been made for the extension of Haddy-st. through to Gertrude-st., rendering Rowland-st. unnecessary. It is desired to close Rowland-st. and to vest the majority of the contained land in the State Housing Commission to provide two further homesites. Provision is made in the clause to include in Lots 17 and 18 on Plan 6063 the road widenings at the road corners of each lot.

Clause 11: Closure of a right-of-way at Geraldton—

In the private subdivision of Geraldton Lot 478 into four sub-lots, provision was made of a right-of-way 12½ links wide which would have been required for the purpose of extending the existing right-of-way through the adjoining Crown subdivision. The other right of way was closed by the operation of Section 10 of Act No. 37 of 1950, rendering the extension unnecessary. It is desired to close the private right-of-way through Lot 478 and to vest the land therein in the owners of Lots 1 to 4 inclusive on Land Titles Office Diagram No. 8874.

Clause 12: Closure of Road No. 10654, Merredin—

This road comprises a right-of-way which was originally provided in a private subdivision of Merredin Lot 35 on Land Titles Office Diagram No. 5942. The holders of the various lots on the diagram had a right of carriage-way over the private right-of-way in question. The Merredin Road Board, in 1949, requested that the land be resumed and declared as a public road and indemnified the department against any resumption claims or costs. The land was resumed in December, 1949, and the road was declared as a public road in February, 1950. Consequent upon a claim for compensation by the previous owners of the land resumed, which the road board regards as excessive, the board has requested that the road be closed and the land returned to the persons from whom it was resumed. If the road were closed in the ordinary way under the Road Districts Act, the land therein would revert to the owners of the contiguous land and only a small portion

thereof would be returned to the previous owner. Therefore, it is necessary to direct that the land shall vest again in the persons from whom it was resumed and to authorise the Registrar of Titles to take steps to safeguard the rights of other adjoining holders so that their right-of-way over the land will be maintained.

Clause 13: Closure of portion of Lloyd-st., Midland Junction—

The State Electricity Commission has acquired by private purchase land on either side of Lloyd-st., Midland Junction and in order to consolidate the two areas, the Commission desires that the intervening portion of Lloyd-st. be closed so that the Commission may acquire the land comprised in the portion of the road in question. The Midland Junction municipality and the Town Planning Board have no objection to the proposed closure for which parliamentary authority is required. It is also desired to authorise the Governor to dispose of the contained land in such a manner as he may approve.

Clause 14: Closure of right-of-way, Peppermint Grove—

The Commissioners of the Presbyterian Church in Western Australia have an estate in fee simple in a certain right-of-way at Peppermint Grove which is subject to certain rights of access in favour of the holders of other land in the subdivision. It is desired to close the portion of the right-of-way which separates portions of the grounds of the Presbyterian Ladies' College. The Peppermint Grove Road Board and the owners of lots in this section agreed to the proposed closure provided a widening was made at the turn in the remaining portion of the right-of-way which has been declared a public way.

Clause 15: Deviation of Norwood-rd., Rivervale, Belmont Park Road District—

In the resubdivision of land at Rivervale for the State Housing Commission no provision was made for a slight alteration of the position of Norwood-rd. between Campbell and Francisco-sts. The new position provides for a straightening of the road at this point and the roadway has been constructed and the fencing has been erected on the new alignment. To amend the relative certificates of title to the land fronting this section of Norwood-rd., it is necessary to vest in the State Housing Commission the land in the portions of the old road which this section provides shall be closed.

Clause 16: Deviation of Tweed Crescent, Mount Lawley—

Provision has been made for a slight alteration of the position of Tweed Crescent, Mount Lawley, to straighten the western and southern sides of the road. To compensate for the reduction in width an area is being resumed from an island lot held by the Perth Road Board. The land in the portions of the road being closed by deviation is to be revested in Her Majesty as of her former estate and to be disposed of by the Governor to the respective owners of the contiguous lots.

Clause 17: Closure of Road No. 10783 (being a right-of-way) at Scarborough)—

After representations had been made by a former owner of certain lots at Scarborough a right-of-way was surveyed through one of the lots and was declared as road No. 10783. In the meantime the lot had been transferred to a purchaser who, being unaware of the right-of-way proposal, erected a substantial house on the lot which encroached on the right-of-way. To return the land to the lot from which it was resumed, it is necessary to close the right-of-way and to vest the contained land in the present owner of the lot.

Clause 18: Closure of portion of Australind-st., Swanbourne—

Australind-st., Swanbourne, on the western side of Scotch College is at present 150 links wide and it is considered that a width of one chain would be sufficient for this road which is only about 9 chains long. It is proposed to reduce the width to one chain and to dispose of the land in the portion to be closed to the Commissioners of the Presbyterian Church in Western Australia who are registered owners of the land adjoining the eastern side of the street. The commissioners require the land at an addition to the Scotch College grounds and will incorporate it in their plan for the general improvement and beautification of the college grounds. The proposal was supported by the Claremont municipality.

Clause 19: Closure of certain rights-of-way at Wagin—

The State Housing Commission has requested the resubdivision of certain Wagin town lots which are separated by rights-of-way which the new design provides will be eliminated. Before issuing instructions for the resurvey of the area it is necessary to close the rights-of-way. The lots in the proposed resubdivision are still

Crown land and the land in the rights-of-way when closed will be incorporated in the new lots on survey.

Clause 20: Closure of portion of Ocean Parade, North Fremantle—

An unconstructed road along the ocean front at North Fremantle known as Ocean Parade has been shown on official plans and it is desired to close portion thereof so that the land therein can be included in North Fremantle Lot No. 316 which the Fremantle Harbour Trust propose to lease to the Vacuum Oil Company. The scheme for future port development prepared by Mr. Tydeman includes provision for a main road along the western boundaries of the leases to the oil companies. It is proposed that the Harbour Trust boundaries be amended to include the land in the portion of the Ocean Parade for which closure is sought.

Those are the matters dealt with in the Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. W. R. Hall in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Closure of portions of Emery and Beasley Streets, Carnarvon:

Hon. H. C. STRICKLAND: I was pleased to hear the Minister state that portions of Emery-st. and Beasley-st. have been closed. It is quite obvious that when these roads were plotted it was done without a survey. When a survey was eventually made, it was found that the roads ran into a crop of sand ridges or into gullies.

Clause put and passed.

Clauses 9 to 19—agreed to.

Clause 20—Closure of portion of Ocean Parade, North Fremantle:

Hon. G. FRASER: I am not raising any objection to this closure, but I would like to know what the position is concerning dealings between the Government and municipalities interested in road closures. Is it agreed by the Government that money shall be paid over by it to the municipalities because of such closures? I know that at one time there was a general payment by the Government when roads were closed, and I was wondering whether compensation is still payable.

The MINISTER FOR AGRICULTURE: With regard to municipalities, road closures cannot take place without an Act of Parliament, but road boards can close roads without such authority. This closure was initiated by the North Fremantle Municipality and I should say that the municipality would protect itself.

Hon. G. FRASER: A municipality cannot protect itself. The closure of a road has to be done by Act of Parliament and the only protection a municipality would have would be to get in touch with the local member, if the Government was not treating it fairly, and ask him to oppose the closure.

The Minister for Agriculture: Have you been asked to do that in this instance?

Hon. G. FRASER: No. But I have no knowledge whether this has been done at the request of the council or not, or whether it has acquiesced. The Minister did not say so when he was speaking on the second reading. I have a recollection that many years ago, when other roads in this district were closed, there were certain cash arrangements between the Government and the council. Later on the council agreed to other roads being closed, thinking that the same condition would operate, but found that the Government was not playing ball and closed the roads without making any redress. I do not recollect the Minister having said that the municipality had agreed to this closure; but even if it did, there may be still some request for financial compensation.

The MINISTER FOR AGRICULTURE: "Hansard" has taken my notes on this Bill, but if the hon. member desires, I will move for progress to be reported till a later stage in order to satisfy him. I feel sure that if compensation were asked for, the council would be compensated. I will take the matter up with the Minister for Lands if any query is raised.

Hon. G. FRASER: I will not ask for progress to be reported, because the municipality has not seen fit to get in touch with me, and if it loses anything, that will be its own fault. I was speaking generally and thinking of all other closures, and wondered what Government policy was in connection with such closures.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and *passed*.

## BILL—WORKERS' COMPENSATION ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 4th December.

**HON. H. HEARN** (Metropolitan) [8.13]: This Bill is like so many of the measures we deal with from session to session, in that we could almost call it a hardy annual. It is very necessary that such a measure should be introduced because, as I would

like to assure the House at the outset of my remarks, the employing interests are anxious to see that justice is done with regard to the depreciation of the £. This Bill is necessary from that point of view, and to the extent that it does remove any anomalies that have arisen since the last amending Bill was passed, it receives the full support of the employers.

I think, however, that the Bill goes very much further than that and I am surprised that—bearing in mind that not once but on more than one occasion in this Chamber members have definitely rejected some of the suggestions that have been submitted—we again see, in Clause 2, the suggestion that workers should be covered from the time they leave home for their place of employment until they get back again. Before I continue to discuss that, I would like to congratulate Mr. Boylen on a very able review of the provisions of the Act. One or two of his statements were rather wide of the mark and, before dealing with the Bill, I will touch on some of the points he raised during his contribution to the debate. He said that no provision had been made to allow for the increase in the basic wage and appeared to be under the mistaken impression that the maximum compensation provided for in the Bill would be £8 per week.

Before the amending Bill was passed in 1948, compensation was based on 50 per cent. of the weekly earnings, and the maximum payable at that time was £4 10s. per week. At that time, the basic wage was £6 1s. 7d., so the maximum compensation was 74 per cent. of the basic wage. Since then, the basis of compensation has been increaased from 50 to 66⅔ per cent., and the maximum compensation to £6 and later to £8. When the Act was last amended in December, 1951, and the basic wage was £10 5s. 8d., the maximum compensation payable was increased to £7 per week, or 77 per cent. of the basic wage. The present Bill proposes to leave the maximum at £8 for workers with no dependants and set a maximum of £10 per week, or 83 per cent. of the present basic wage, for workers with dependants.

Hon. R. J. Boylen: That does not apply on the Goldfields.

Hon. H. HEARN: The hon. member also said that in most other States compensation was based on 78 per cent. of the weekly earnings, but he did not give the maximum sums payable, which throw a different light on the position. In Victoria, the maximum compensation for a man with dependants is £8 per week, and without dependants £5 10s. In New South Wales, with dependants it is £9 per week, and without dependants £5 15s. In South Australia, with dependants it is £11 per week, and without dependants £8 per week. In Tasmania, the maximum, with dependants, is 78 per cent. of the basic wage, and without dependants £6 per week.

Then again, Mr. Boylen also said that the amount allowed for workers permanently and totally incapacitated should be increased from the present figure of £1,750. I would point out that that maximum has risen from £750 in 1948 and has more than kept pace with the increase in the basic wage. The more we increase the total compensation payable, the more we save the Social Services Department. The limit of £1,750 applies in all States except New South Wales, where no limit is provided. In dealing with allowances for workers who have to live away from home while receiving medical treatment, Mr. Boylen said that an injured worker could not live on the £4 per week provided.

Hon. R. J. Boylen: That is away from home.

Hon. H. HEARN: He forgets that that allowance is to cover the worker's extra cost of living away from home and is in addition to the £8 or £10 per week compensation that is paid to him. The daily rates payable for hospital expenses are not prescribed in the Act but by the Workers' Compensation Board, as authorised by the Act. Those are the answers to the points raised by Mr. Boylen. I do not think I can do better than refer members to the speech I made on similar legislation last year, when I set out my impressions of the question. I do not think anything has happened in the meantime to alter the statements I made on that occasion. I repeat that the original concept of providing compensation for an employee injured while carrying out the orders of his employer seems to be disappearing entirely.

At one time it was recognised everywhere that a man injured in such circumstances should receive compensation adequate to meet his reasonable requirements until he recovered sufficiently to resume his normal employment, but today there seems to have developed a body of opinion that the Workers' Compensation Act should be a form of social insurance, almost from the cradle to the grave. Accepting this proposition, there are already statutes passed by the Commonwealth Parliament to take care of any employee injured or sick for any period during which he is unable to follow his usual avocation. In these circumstances, it is difficult to see why workers' compensation should apply during the time when an employee is not under the direction of his employer. Logically, why should workers' compensation cease at the time when the employee reaches his home? Why should he not be covered for the 24 hours of the day?

Hon. R. J. Boylen: We will move to amend the statute in that direction, if you like.

Hon. H. HEARN: It would be just as logical. It is my view that adequate compensation should be provided while the worker is under the direction of his em-

ployer, but that it should cease when he is no longer subject to his employer's orders. Many employers refuse to allow their employees to ride bicycles during the time of their employment, and yet such a worker can ride a bicycle from his home to his place of employment in the morning, and back again at night.

Hon. R. J. Boylen: Would you have him walk?

Hon. H. HEARN: What would be the position if, while riding a bike to work, he was involved in an accident? Is it fair that the employer, who, in the interests of safety, refuses to allow the employee to use a bicycle during working hours, should in such circumstances be required to cover him out of working hours? That is a possibility if we are to adopt the clause, which provides for cover from the cradle to the grave. I could give it another name, which might amuse members. During actual working hours, the employer can govern what the employee does, and he may object to the employee using a bicycle or motorcycle, yet if that same worker is hurt while using such a machine other than during working hours—on his way to or from work—is the employer to be forced to pay? The Bill proposes to make the employer liable during the employee's time of travelling to and from a technical school for training. Whilst at the technical school, the lad is not under his employer's instructions and the employer is not liable for workers' compensation. Lads attending trade classes at the Technical College are not covered by workers' compensation while working there, and yet we are told that under this provision the employer is liable for injury to the apprentice while going to or returning from the Technical College.

An industrial magistrate, on the 27th November, 1952, found, under the Building Trades Award which provides that fares be paid by the employer whose worker is travelling to and from a job, that attendance at a technical school is not travelling to and from a job within the meaning of the award. If this provision became part of the Act, it would mean that although the employer was not liable to pay fares and travelling time to a boy attending a technical school, he would be liable for workers' compensation. I submit that that would be inconsistent and wrong. Much confusion is being caused among employers in other States where that provision is in force.

In the "Daily News" of the 21st October, 1952, appears the following:—

> £1,025 Paid for Death Off Job.
>
> The State Full Court of Victoria held unanimously today that workers' compensation must be paid for a man who unexpectedly contracts a fatal illness on the way to work. There was no evidence in the case that the man's work contributed to his illness. The ruling upheld a decision of the Workers' Compensation Board. The worker, Sydney Allan Sharpe, 51, of Albert Park, was a shore shipwright employed by James Patrick & Co. Ltd. While travelling to work on the 4th December, 1950, Sharpe had a heart attack. That night he died at home. For some years before his death, the board found, Sharpe had suffered from a progressive heart disease but did not know it. The Workers' Compensation Act says that if an accident happens to a worker travelling to or from work, the accident shall be deemed to be in the course of his employment. The board found that Sharpe died as a result of "injury by accident arising out of or in the course of his employment," and awarded £1,025 compensation to the widow, Dacie Ethel Sharpe. On the application of the employers, the board referred legal aspects of its decision to the Full Court. The board's finding was based on a judgment made last year by the Full Court. In this case the man died of cerebral hæmorrhage on his way home from work.

We have heard a good deal to the effect that at no time has workers' compensation been available at so low a rate as at present, and it has been suggested that employers are paying a lower rate for workers' compensation insurance now than at any time since the inception of industry in this State. From that premise, the argument proceeds along the line that it is no use saying it is too expensive to industry or that employers have to pay too much in premiums for compensation for the injured worker, because industry and the employers are receiving the workers' compensation insurance cover at a cheaper rate today than at any other time in the history of the State. The only part of that which is correct is that the premium rate for workers' compensation is cheaper today. The balance of the statement and the deductions from it are erroneous.

Hon. F. R. H. Lavery: Who made the statement?

Hon. H. HEARN: It was made in another place, and the hon. member can read it in "Hansard." If an employer previously paid his worker £400 per annum wages, and his workers' compensation rate was 30s. the annual premium would be £6. If today he paid the same worker £1,200 for doing the same work and the premium rate was reduced to 20 per cent.—for example, a one-third reduction—the premium would now be £12 per annum. It will therefore be seen that it is not a question of the rate per cent. but of the annual premium. Unfortunately, it is not possible to get a statistical figure of the

total number of wage and salary earners employed in the State, but if we use the best available guide, the "Monthly Review of Business Statistics," it will be seen that, excluding workers in rural, defence and household domestic employment, the total employment in this State for the year ended the 30th June, 1948, was 146,200 persons.

The same publication shows that for the year ended the 30th June, 1952, that figure had risen to 167,400 persons, an increase of 21,200. According to the Government Statistician, the gross premiums payable for workers' compensation insurance for the year ended the 30th June, 1948, was £397,163. The comparable figure for the year ended the 30th June, 1952, was £1,202,834, or an increase of approximately 200 per cent. I have not gone back to the period of the war or prewar because the comparisons would probably not be true as unemployment percentages would have to be considered. However, to compare the year 1948 with 1952, the unemployment situation would be reasonably static. What emerges then is, that instead of the employers paying a less amount for workers' compensation insurance than ever before, the fact is they are paying many hundreds of thousands of pounds more than has ever been paid before.

Hon. W. R. Hall: For a good cause.

Hon. H. HEARN: Yes, but there comes a time when the burden can be too great for private enterprise.

Hon. C. W. D. Barker: What profit did the insurance companies make?

Hon. H. HEARN: The situation revealed by the foregoing figures shows that as between those two years, whilst the work force increased by approximately 14 per cent., industry had to pay in premiums an increase of approximately 200 per cent. Yet we are told that workers' compensation never before cost as little as it does today! What is going to be the picture when wages decline and when we reach this recession about which we are so often told. I suggest that at the rate at which we are going, insofar as workers' compensation is concerned, private enterprise and government enterprise will be hard put to face the burdens it creates.

As I have said, whilst private enterprise gladly accepts the increased obligations owing to the devaluation of the £ and its purchasing capacity, we do get rather indignant when we are constantly told that workers' compensation has never been as cheap as it is today. I believe that I have proved that the fact is in the opposite direction. It is a growing burden and it is being intensified every year. Our friends who suggest that we are getting compensation cheaper than ever before should look into the figures and recognise the truth; they should see where we are going. We hear so much today from our friends on the other side about the necessity for keeping down costs.

There are protests against spiralling prices but here is another classic example of one of the direct causes of this. In four years industry and the commodities it produces have to pay three times the premium to gain protection itself against the benefits conferred on workers by this legislation. The Government's proposal to increase the weekly benefits is indeed more than generous, but, for the reasons already advanced, it would be totally wrong to add to costs still further by including the provision to extend the benefits to workers proceeding to and from work.

I would now like to refer to Clause 5 which deals with medical expenses. The proposal is to increase medical and hospital expenses from £200 to £250 but to divide them as follows—medical £100; hospital £150. Already the percentage of medical and hospital expenses of the total amount paid in workers' compensation claims is highest in Western Australia. The reason is clear. It is because of the generosity of the £200 provided in the State Act. The provision in Victoria is £120; Queensland provides £50 for medical and £50 for hospital, making a total of £100. Provision is made in South Australia for £75 and in New South Wales there is provision for £150 medical plus hospital expenses.

It is my opinion that the £200 is more than ample and any increase on that amount would be adding a real and substantial burden to the cost of workers' compensation insurance. If the Minister says that the hospitals will not take compensation cases on account of the hospital payment allowed, then to my mind the answer is not to increase the total amount for hospital expenses but to look to the amount allowed to be charged by the hospitals. Those are the definite views I hold concerning that particular part of the Bill. I support the measure, but I oppose the two clauses with which I have dealt.

**HON. F. R. H. LAVERY** (West) [8.37]: I would like to compliment Mr. Hearn upon his very able contribution to the debate and I, too, would like to draw one or two comparisons. During his speech Mr. Hearn said that one of the main points in dispute was the amount of compensation to be paid weekly to workers with or without dependants. I propose to quote some figures from a report on workers' compensation which has been laid upon the Table of the House. While Mr. Hearn made out a good case as to the

enormous amount of money it is costing industry to pay workers' compensation, he omitted to recognise the enormous difference between loss to insurers and the amount paid by the employers for insurance.

To bring my statement into line, I would like to quote from page 2, item 3, of the report as it is possible that some members have not already seen the contents of the report. It reads as follows—

> Approved Insurers: At the commencement of the period under review there were 73 incorporated insurance offices approved by the Minister, including the State Government Insurance Office. During the year no company ceased to write business under the Act, and two new companies received your approval to commence.
>
> The total premium income received by approved insurers including the Government Workers' Compensation Fund rose by £67,888 to £1,447,321. During the period the basic wage rose very considerably, and with the impetus of immigration the man hours worked must have appreciably increased. Operative as from the 1st January, 1952, maximum premium rates were once more adjusted, as will be mentioned later in this report, but the effect of such adjustment on the returns for the period under review is most doubtful. The full effect of the previous overall reduction of 25 per centum would however be effected in full.
>
> Hereunder is a table showing the gross premium income of all approved insurers, including the Government Workers' Compensation Fund, since 1947, as appearing from returns submitted under Section 27.

I would draw the attention of members to the fact that Mr. Hearn said the premium was costing three times as much. The table is as follows—

| Year | Income | Increase over previous year |
|---|---|---|
| | £ | £ |
| 1947-48 | 870,658 | |
| 1948-49 | 1,000,151 | 129,493 |
| 1949-50 | 1,278,081 | 277,930 |
| 1950-51 | 1,379,433 | 101,352 |
| 1951-52 | 1,447,321 | 67,888 |

I desire to give some figures which I think will back up quite a lot of what Mr. Hearn said, but will also refute some of the figures he quoted. As the hon. member mentioned, it is more than likely that if I read "Hansard" I will find the figures to which he refers. The heading is "Interesting information relative to workers' compensation insurance premium rates". We hear a lot about how workers' compensation has risen to a point about to cripple industry or to cripple employers. The idea of my reading this is to prove that the employers do not have an argument with the workers, but they do have an argument with the insurance companies because of their profits out of workers' compensation business.

Hon. H. S. W. Parker: What are they?

Hon. F. R. H. LAVERY: I will quote them. The report reads as follows—

> The information contained in the following table was obtained from Finance Bulletin No. 41, issued by the Commonwealth Statistician, and refers to the premiums and claim payments relative to workers' compensation insurance done by insurers who catered for that class of insurance during the year ended the 30th June, 1950:—

| | N.S.W. | Victoria. | Queensland |
|---|---|---|---|
| | £ | £ | £ |
| Premiums .... .... | *4,310,722 | 3,347,867 | 1,953,352 |
| Claim payments .... | *2,410,047 | 1,782,337 | 1,146,541 |
| Loss ratio per cent. | 55·91 | 53·21 | 58·59 |

| | South Australia. | Western Australia. | Tasmania. |
|---|---|---|---|
| | £ | £ | £ |
| Premiums .... .... | 728,135 | 945,273 | 270,280 |
| Claim payments .... | 353,933 | 499,746 | 99,491 |
| Loss ratio per cent. | 48·60 | 52·77 | 34·59 |

* Excludes coal miners' workers compensation insurers.

The overall figures for Australia were as follows:—

| | |
|---|---|
| Premiums .... .... | £11,555,629 |
| Claim payments .... | £6,292,095 |
| Loss ratio per cent. .... | 54.45 |

Those figures disprove beyond any shadow of doubt Mr. Hearn's complaint about workers' compensation insurance breaking the backs of employers. I maintain the insurers are the people who are breaking the backs of the employers.

Hon. H. S. W. Parker: Why?

Hon. F. R. H. LAVERY: The statement continued—

> It should be realised that a 70 per cent. loss ratio is considered to be a reasonable one. In N.S.W. and W.A. a 70 per cent. loss ratio is the aim of the premium rates committees of these States.
>
> In other words, it is considered that £30 out of every £100 received as premium is a fair margin to cover administrative costs and profit in respect to workers' compensation insurance.
>
> An analysis of the above table will disclose the fact that in Australia in 1940-50 premium receipts of £8,988,707 would give a 70 per cent. loss ratio on claim payments of £6,292,095. This

means that insurers received premiums of £2,566,922 over those necessary to show a 70 per cent. loss ratio.

Hon. H. S. W. Parker: Who said that 70 per cent. is correct?

Hon. F. R. H. LAVERY: The Premium Rates Committee.

Hon. H. S. W. Parker: The Labour Government in Queensland apparently did not agree.

Hon. F. R. H. LAVERY: The report continued—

> Is there any justifiable reason to be advanced for extracting fees from employers over two and a half million pounds in excess of that which has been considered adequate by responsible authorities?
>
> As stated above, the Workers' Compensation Board of W.A. laid down in 1949 a loss ratio objective of 70 per cent., yet in that year the premium rates committee refused to reduce existing premium rates, with the result that for the year ended 30/6/1950 the loss ratio for that year was only 52.77 per cent. on actual premiums received of £945,273 and claim payments of £499,746. It will be realised by anyone who cares to analyse the figures that a premium of £713,923 would have given a loss ratio of 70 per cent., so therefore, insurers received £231,350 over and above the premiums necessary to give a 70 per cent. loss ratio.

Hon. H. S. W. Parker: Yet the Premium Rates Committee has not altered it. Why is that so?

Hon. F. R. H. LAVERY: I ask the hon. member to excuse me and allow me to proceed—

> In 1950, the newly constituted premium rates committee reduced maximum premium rates by 75 per cent., yet despite that fact and the fact that benefits had been increased by the 1949 amendment of the Act, the loss ratio, based on maximum rates, was only 47.44 per cent.
>
> In 1951 the premium rates committee reduced premium rates by an average of 27 per cent.
>
> The order of the committee was that all premium rates should be reduced to bring the following groups to a 70 per cent. loss ratio. All classifications which showed under 25 per cent loss ratio to be grouped: 25 to 35 per cent.; 35 to 45 per cent.; 45 to 55 per cent.; 55 to 65 per cent.; 65 to 75 per cent.; to remain unaltered, 75 to 85 per cent.; 85 to 95 per cent.; 95 to 105 per cent.; 105 to 115 per cent; and all over 115 per cent.
>
> The results of that reduction means that rates operating in 1949 have been reduced as follows:

| % | | % | % |
|---|---|---|---|
| 2·4 | or 10 classifications have been reduced by from | 1 | to 9 |
| 5·1 | or 21 classifications have been reduced by from | 10 | to 19 |
| 7·3 | or 30 classifications have been reduced by from | 20 | to 29 |
| 6·3 | or 26 classifications have been reduced by from | 30 | to 39 |
| 9·7 | or 40 classifications have been reduced by from | 40 | to 49 |
| 9·2 | or 38 classifications have been reduced by from | 50 | to 59 |
| 11·9 | or 49 classifications have been reduced by from | 60 | to 69 |
| ·7 | or 3 classifications have been reduced by from | 70 | to 79 |
| 36·1 | or 149 classifications have been reduced by over | 80 | |

| % | | % | % |
|---|---|---|---|
| 1·2 | or 5 classifications had increases as from | 1 | to 9 |
| 1·0 | or 4 classifications had increases as from | 10 | to 19 |
| 5·3 | or 22 classifications had increases as from | 50 | to 59 |
| 3·9 | or 16 classifications had increases as from | 60 | to 70 |

> It will be seen from the above table that 366 classifications out of 413 were reduced in premium rates and 149 of those 366 were reduced by over 80 per cent.
>
> The premium rates committee has been in operation since 1949, although the composition of the committee was altered in 1950. Despite that fact, and the fact that in 1949 the Workers' Compensation Board fixed a loss ratio of 70 per cent. to be the aim of the committee, the premiums received by insurers have exceeded those necessary to give a 70 per cent. loss ratio by no less than £717,654 since June, 1949, the details being as follows—

| Year. | Premiums received. | Payments made. | Loss ratio. | Premiums necessary to fix a 70 per cent. loss ratio. | Surplus premiums. |
|---|---|---|---|---|---|
| | £ | £ | % | £ | £ |
| 1949–50 .... | 1,051,587 | 479,888 | 45·53 | 685,555 | 366,032 |
| 1950–51 .... | 1,091,152 | 517,671 | 47·44 | 739,530 | 351,622 |
| Total .... | 2,142,739 | 997,559 | 46·55 | 1,425,085 | 717,654 |

The Minister for Transport: Are those all workers' compensation figures?

Hon. F. R. H. LAVERY: They are figures from Finance Bulletin No. 41 issued by the Commonwealth Statistician and refer to the premiums and claims payments relative to workers' compensation insurance done by insurers who catered for that class of business during the year ended the 30th June, 1950. To continue—

> In 1950 the newly-constituted premium rates committee reduced maximum premium rates by 75 per cent., yet despite that fact, and the fact that benefits had been increased by the 1949 amendment of the Act, the loss ratio, based on maximum premium rates, was only, 47.44 per cent.
>
> Although in 1951 the premium rates committee reduced maximum premium rates, that reduction only applies to future premiums and in no

way affects the surplus premium of £717,654 received by insurers over the years 1949-50 and 1950-51.

I suggest that if the empolyers had a fair proportion of those premiums returned to them, they would not complain. Those are figures that I have been able to obtain to refute the outburst by Mr. Hearn to the effect that workers' compensation is crippling the industries of this State. I suggest that the employers should get to work with the Premium Rates Committee and find out why they are being called upon to pay such an enormous amount of money to insurers unnecessarily.

Another item referred to by the hon. member was the provision for the payment of £1,750 proposed in the Bill and he went on to say that not many years ago the amount was only £750. He did not mention that throughout Australia the claims paid in respect of accidents on the road under judgments by the courts have been increased, in some instances, to seven or eight times what was paid three or four years ago. Consequently the hon. member was not giving anything away. The £1,750 now included in this Bill represents an omission from last year's measure.

Under this Bill we are getting away —I understand for the first time—from the principle of paying an injured worker a percentage of his earnings. Mr. Hearn quoted 66⅔rds per cent. Now it is proposed that an injured worker without dependants shall be paid the sum of £8 a a week and a worker with dependants £10 a week. Not such a long time ago the allowance for a wife was 30s. and for a child 10s. a week. The basic wage is fixed on the needs of a man having a wife and two children, and as the same wage is paid to a single man, it means that the amount for a single man without dependants should be £10 instead of £8.

A man who earns £1,250 a year can be a worker, under the Act, yet the maximum he can receive is £8 a week. This is a long way below 66 per cent.—it is even below 50 per cent. I suggest that some of the figures Mr. Hearn has quoted tonight will need a little clarification. Perhaps some members might say the same of those I have mentioned, but I do suggest, in all sincerity, that the employers in this State are paying premiums above what is required to meet the commitments of workers' compensation. I support the second reading of the Bill.

**HON. W. R. HALL** (North-East) [9.2]: I support the Bill. I was pleased to hear Mr. Hearn say he was going to vote for the second reading, but I am sorry to learn that he is going to oppose one or two of the clauses. I do not think the Bill goes far enough. I know the question of compensation for a worker who is injured when travelling to or from work has been brought before the House on several occasions, but has not been agreed to. The majority of the workers who are employed on the Goldfields travel to work on bicycles. Others, of course, are transported by omnibus.

Hon. G. Bennetts: Many of them walk.

Hon. W. R. HALL: Yes, hundreds live close to their employment and walk to work. A worker who is legitimately going to work or retufning to his home could, if injured at either of those times, be covered by insurance.

Hon. N. E. Baxter: He can, if he likes to pay the premium.

Hon. W. R. HALL: In answer to the interjector, I ask: How much extra would it cost to insure the worker for this purpose?

Hon. N. E. Baxter: It is a case of who should pay it.

Hon. W. R. HALL: After all, on the large mines and in many places where workers are employed by manufacturers in the metropolitan area, and in various towns throughout the State, the key men on the staff are covered when going to or returning from work. I cannot see that it would cost very much to provide this insurance for all workers. It is true that a worker sells his labour—generally to the highest bidder I would say—but there are thousands of cases of men on a fixed wage, and I think they are just as entitled to consideration in this matter as are others in a happier position. The extra premiums that the companies would impose would be very little. I do not know of any insurance companies that have gone broke. The leading life assurance companies and the others, all seem to be pretty wealthy.

Hon. G. Bennetts: They have got the lot.

Hon. W. R. HALL: A large proportion of the money put into the loans during the war years was contributed by the insurance companies. This proves that they are profitable institutions. On the other hand, the employer does not employ labour unless he can show a profit from it. Very few concerns go bankrupt just because of the fact that the insurance premiums are higher than one might think they should be. It is not workers' compensation insurance that is the cause of big companies going out of business. A man gives of his best to his employer, so surely he is entitled to receive some benefit should he be unlucky enough to be injured when going to or from his place of employment. I hope the House will give the proposal favourable consideration. One clause in the Bill deals with hospitalisation. The cost of a bed in hospital is out of all proportion to what it used to be.

Hon. L. Craig: What is the cause of that?

Hon. W. R. HALL: From time to time we find that hospitals threaten to close because they say the costs per bed do not permit them to carry on. They also have trouble in getting nurses.

Hon. L. C. Diver: That is only one aspect of the case.

Hon. W. R. HALL: Yes. On the other hand, I am told that it costs about 35s. for an ordinary person to get a bed in a hospital. This seems a lot to me.

Hon. J. G. Hislop: Where do you go for that?

Hon. W. R. HALL: I do not know.

Hon. J. G. Hislop: I would like to know the name of the hospital.

Hon. W. R. HALL: I heard today that the cheapest bed is about 35s. The Minister said that the rate had risen from £1 to 27s. a day, which means that if a worker is injured—or any other person who has to pay a hospital bill—he has to meet a fair proportion of the cost himself. The social services payments do not cover the point. A man in one of the armed services might not even leave the State, or his home town, but if he gets injured he is covered all the time. He can go into Hollywood and stay there as a patient.

Hon. L. Craig: You are on duty all the time in the services.

Hon. W. R. HALL: Yes, but who is paying the cost when he goes into Hollywood? His weekly pay goes on just the same. The cost is borne by the Commonwealth Government, and indirectly by the taxpayer. A person unfortunate enough to be injured at work might have so much eaten out of his compensation by way of hospital bills as to make a fair hole in the amount to which he is entitled. I recently visited a person in St. John of God Hospital, Subiaco. This man had lost the sight of both eyes. He was totally incapacitated and did not know just how long he would be in hospital, or how much it would cost while he was there. I take it the amount paid to the hospital would be debited against the full amount of compensation he would receive by way of total incapacity. The whole thing does not seem equitable to me, but a few crumbs are better than nothing at all. I would like to see the position taken further than this.

The Bill contains a clause providing £8 a week for a man without dependants and £10 for a man with dependants. Two men might be working in a stope on a mine, and doing the same sort of labour, as they do in their hundreds, and one might get injured. Why the differentiation between £8 and £10? The basic wage in Kalgoorlie today, plus the industry allowance and a margin, might bring the wages of an average person to about £15 a week. If he is a man without dependants, £8 a week would be just a little over 50 per cent.

Hon. H. Hearn: His expenses would be 50 per cent. less.

Hon. W. R. HALL: There are hundreds of men in the mining industry who earn big money. Compensation of £10 a week, whether they have dependants or not, would be a mere bagatelle compared with what they earn while at work.

Hon. H. S. W. Parker: Why do not they take out an accident policy, or insure with the hospital benefits scheme?

Hon. W. R. HALL: After all, they are selling their labour for what it is worth.

Hon. H. Hearn: For what they can get, you mean.

Hon. W. R. HALL: They are selling their labour, and the law of the land, by way of the Workers' Compensation Act, covers them.

Hon. H. Hearn: You want to alter the law.

Hon. W. R. HALL: If anything happens to any member of this House, either going to or coming from it—

Hon. H. Hearn: Do we get paid?

Hon. W. R. HALL: His wages go on just the same.

Hon. H. S. W. Parker: That is, if the House gives him leave.

Hon. W. R. HALL: Under the hospital benefits scheme, it is not possible, without doubling the amount of contribution, to recoup what it costs the average person who is not covered by the Workers' Compensation Act. The days are gone when we could cover ourselves for hospital and medical expenses. It would cost a nice penny today. With the present charges for hospital beds, doctors' expenses and so forth, it is not possible for a worker to put sufficient aside to cover himself. I do not want to go too deeply into this question.

Hon. L. C. Diver: It costs £18 per annum for a husband, wife and a family of children under 16 years of age.

Hon. W. R. HALL: I did not know that that was possible. But on the other hand, I think that something should be done about the allowance for hospital charges and the amounts received by workers. As I mentioned before, I intend to support the Bill and I am hoping that on this occasion all members will give it favourable consideration.

**HON. J. M. A. CUNNINGHAM** (South-East) [9.16]: I do not intend to speak at any great length on this measure and I do not want to cause Mr. Hall any regret. But I want to hear further debate on two points in connection with this matter. I intend to support the Bill because I think it is in line with the policy of the Government to keep the Act reasonably up to date and this measure will do that. I have a little doubt about the justness of

covering a man while he is travelling to and from work because an employer would have no control over his actions during that period. I think it would be better if we had a more generous and wider outlook with regard to some injuries, particularly borderline cases which occur in the mining industry. I am sure that the workers generally would appreciate that more than this other provision.

I have in mind two cases which I would like briefly to recount to the House. One concerns a man who, at the moment, is in St. John of God Hospital after having undergone an agonising operation—the removal of a disc between two of the vertebrae. There is no doubt that the accident that necessitated this operation did happen on a mine. The man slipped and fell down suddenly on a rock, injuring the bottom portion of his spine. At the time he did not take any notice of it and thought that the pain was due to a jar or rick. Since that accident he has left the mine and is now a tributor, and therefore does not come under the provisions of this Act. There is no question about the fact that the latest operation is a result of that accident. Therefore I think we should have a more reasonable approach to the borderline cases.

Hon. H. Hearn: How do you suggest we do that?

Hon. J. M. A. CUNNINGHAM: That is the point. I cannot answer it, but I still think that we need some wider application of the Act. The other case is a comparatively recent one; the man concerned died within four hours of being taken home from the mine. He was caught in a firing-out accident and was severely fumed. He was found unconscious and taken immediately, by ambulance, to a doctor. The doctor examined him in the ambulance because he was too sick to be removed. He was given two needles and then sent home to bed. That happened at six o'clock in the evening and by 10 o'clock that night he was dead. His death certificate reads—

(A) Cardiac infarct.

(B) Coronary arterial disease.

SII Recurrent bronchitis.

According to death-bed witnesses, the man definitely died from bronchial trouble; he simply suffocated from the fumes he received that day. He had been a bronchitis sufferer for a number of years, but some nine months ago he was involved in a particularly horrible accident on the mine when a bar from a boring machine collapsed and he was badly twisted and pulled about. Dr. Hislop could tell me whether I am right or wrong, but I suggest that accident, directly or indirectly, was responsible for the man's coronary condition.

Hon. R. J. Boylen: British justice would give him the benefit of the doubt.

Hon. J. M. A. CUNNINGHAM: That man's wife is still trying to get some form of justice or compensation, but she cannot get it because of what is stated on the death certificate. The State Insurance Office says that it is not responsible unless death resulted from an accident on the mine, but this man was brought up unconscious and died as a result of that accident.

Such cases should be given more generous treatment and the wife now has to exist on a small pension. She is a comparatively young woman and no longer has the protection or care of her husband; but she cannot collect compensation. I believe that the Workers' Compensation Act was designed to give justice and protection to cases such as those. I believe that workers, generally speaking, would look more favourably on an attitude such as that than if we were to cover them going to and from work. Most likely they would be covered by separate Acts if accidents occurred during that period. However, I support the second reading of the measure.

**HON. G. BENNETTS** (South-East) [9.22]: I support the second reading of the Bill, but ever since I have been a member legislation similar to this has been brought forward each year. It receives the blessing of the Government in another place but when it comes here some members are opposed to it and it is defeated.

Hon. H. Hearn: Not all of it.

Hon. G. BENNETTS: The Government gets the credit for being generous and for bringing a measure such as this forward. It says that it is doing something for the workers.

Hon. R. J. Boylen: Electioneering propaganda.

Hon. G. BENNETTS: We find that in Committee, Labour members stand firmly behind the slave workers to see that they get a fair deal and a certain number of Government supporters vote with us, but, on the other hand, we find that the numbers are against us, and so the measure is usually defeated. I am not going to talk at length because most members have spoken on this subject, but I would like to discuss the clause which will enable a worker to be compensated while travelling to and from work. When I was employed on the Commonwealth railways I was covered by such a provision, but other workers who were employed on the mines were not covered. If it was good enough for me to be covered by such a provision, it should be good enough for other workers to be covered.

Hon. H. Hearn: But yours was a valuable life!

Hon. G. BENNETTS: If we deviated from our usual path to and from work, and were injured, we were not compen-

sated. Those members who travel with me each week from Kalgoorlie to Perth and back are covered if they meet with a train accident between here and Kalgoorlie. If we are covered, it is only fair that the rank and file should be given the same protection.

Hon. A. R. Jones: That is not employers' liability.

Hon. G. BENNETTS: As regards hospitalisation, we all know, and Dr. Hislop could bear me out on this point, that hospitals do not like to admit workers' compensation cases. Consequently, we should increase considerably the amount paid to injured workers for hospitalisation.

Hon. H. Hearn: But the Workers' Compensation Board can do that.

Hon. G. BENNETTS: Then the board should do something about it. When the maximum amount payable was £750, a worker in the mining industry suffering from silicosis could leave the industry if he were suffering a 40 per cent. disability. They were glad to get him out on the maximum amount. But now that the rate is £1,200, if a man is suffering a 50 per cent. or 60 per cent. disability from silicosis he is paid only that percentage of the total rate. The maximum weekly payment at the moment is £8, but according to the parent Act, a worker is entitled to 66⅔rds per cent. of his average weekly wages plus 30s. for a dependent wife and 10s. for each dependent child.

In the mining industry the basic rate is £12 4s. 2d. plus a gold industry allowance of £2 a week. Consequently, the unskilled worker on the Goldfields receives £14 4s. 2d. a week and some workers receive an additional £1 a week making a total of £15 4s. 2d. Therefore, this sum of £8 a week is not nearly sufficient for a worker who is injured, and if he is good enough to receive £15 4s. 2d. a week in wages, surely he should be entitled to receive a greater weekly payment than £10.

Hon. L. Craig: You think that a man on £40 a week should receive more than a man on the basic wage.

Hon. G. BENNETTS: Costs are constantly rising and a sum of £1,500 for a deceased person and £1,750 for a totally incapacitated person is not nearly enough. I would support a proposal to make it a sum of £2,500.

Hon. H. Hearn: Make it £3,000.

Hon. G. BENNETTS: We do not want to go over the odds because we believe in a fair thing, and I consider that £2,500 would be a fair thing. I do not blame Mr. Hearn for his attitude because he is looking after the employers, but we are looking after the workers. We want to see them get a fair deal because if it were not for the workers, profits would not be made out of industry. One has only to look at the balance sheets published in the Press to realise how much profit different organisations are making.

Hon. H. Hearn: I trust it does not make you envious.

Hon. G. BENNETTS: The workers make that profit possible and they are entitled to a better spin. I support the Bill.

**HON. J. G. HISLOP** (Metropolitan) [9.30]: The Bill gives one a good deal of room for thought because this will be the third occasion on which a particular scheme under this Act has been brought before the House. If we pass it, well and good; but if we do not pass it, it will not become law. Thereby we will have at least made a note of the power of the Legislative Council to handle legislation. I am taking that into consideration a good deal when I give thought to this to-and-from-work provision.

I suppose the Workers' Compensation Act serves as a mediator between the employer on the one hand and the worker and the insurance company on the other. I see the needs of both sides and also the results of changes in the Act and further, from time to time, matters that require altering in the Act. Over the years amendments have been steady to the definition of the word "accident" to bring under it many things that can now happen to a worker in the course of his employment. One of the most difficult cases to decide under workers' compensation law is that of sudden death.

Although my own particular evidence on a workers' compensation case at Collie has been used Australia-wide, it is still hard for me to believe that the original conception of the term "accident" could cover such cases as a man over 70 years of age suddenly dying while doing the very lightest of work. Therefore, an accident has become almost to be regarded as an untoward event in the course of a man's employment. The proposal in the Bill asks that untoward events occurring to a person travelling to and from work should be covered by the Workers' Compensation Act. There can be very little control over a worker in such circumstances except by the words "deviation in journey". So, as Mr. Hearn has said, it is quite obvious that an untoward event could quite easily be a heart attack suffered by a man while travelling in a public transport.

In New South Wales, it was decided that a worker who had a heart attack whilst travelling in a public transport did not die at that time but later when taken to hospital. So, taking that as a guide, such an instance would be regarded as an untoward event and would not constitute an accident. If we agree to this enlarged definition of accident, it must cost industry a considerable amount of money, and I think would tend to bring the pro-

visions of the Workers' Compensation Act under the terms of the Commonwealth social services scheme. Therefore, we should consider whether this provision should be included in the Workers' Compensation Act or in the Commonwealth social service legislation. In other words, we should decide whether industry, or the nation as a whole, should bear the added cost.

It is interesting to listen to members referring all the time to insurance companies, but the companies have adopted an attitude of conducting their business on a percentage basis and then passing the charge on to industry which must therefore foot the bill. The fact that employers have large sums of money in insurance companies at the moment is, I think, only a temporary phase, and such amounts will be reduced in a short period. The reason why the insurance companies are holding such large sums is because of the increased premiums being paid and, in some cases, because claims have not been met since premiums have risen. I think it will be found within a short time that some reduction in premium rates will take place, and that this position will level out.

What does this "to and from" clause really mean? I have tried to ascertain from legal journals and from friends who are associated with the insurance world the type of case that has been accepted generally as being compensable under this clause. However, I have met with some difficulty, for the simple reason that such cases are not reported in any journals but are simply accepted or granted by the commissioners in the various States. If the clause is agreed to, a great deal of litigation will follow which cannot be avoided because, with human nature as it is, the injured person will always attempt to justify his claim for compensation.

With the aid of my friends, I have gone to the trouble of collecting short summaries of the cases that have been recorded and which relate to claims under this section in order to give members some idea of the type of claim that is likely to be made and the amount of litigation that always follows. All these cases that I have mentioned were dismissed. I want to point out, too, that when the Bill was first introduced, it was regarded as a nightmare from the point of view of those in the medical profession because of the amount of litigation that it would cause. There has often been the sorry spectacle of medical men giving evidence on the one side, and those giving evidence on the other and of specialists giving further evidence and their words being twisted. As a result, much confusion has followed.

However, lately there has been less of this litigation and more and more compromising and generalising of claims, which has led to great improvement in the relationship between the parties concerned. If this clause is to lead to further litigation, it will bring members of the medical profession to the point where they were originally. In my opinion, it could be a snare and delude the worker. He is going to feel that he is covered and yet the smallest breach of the clause will result in his claim being dismissed. On the other hand, serious claims will be made. I have here about 30 reports of cases that have been extracted from various journals. I will read to members the reports of one or two, to illustrate this type of claim. The first is that of Everett v. Clyde Engineering Company Limited (1926-27) W.C.R. 173, and it reads as follows:—

> A worker returning from his place of employment to his place of abode endeavoured to change trains at an intermediate suburban station with the object of arriving home several minutes earlier. In crossing an overhead bridge he injured his ankle. Railway records showed that on the day in question the time of the arrival of the first train was the same as the time of departure of the second train. It was held by the Workers' Compensation Commission that the change from one train to another necessitated undue haste and added a risk not present on the ordinary daily journey. Claim dismissed.

The next was that of McWhirter v. the Council of the Shire of Mulwaree (1926-27) W.C.R. 176, and it reads—

> A worker camped within one mile of his work during the week and visited his family 15 miles distant during the weekend. While returning to his camp from his weekend visit, he received personal injury and claimed compensation from his employer. Commission ruled that the journey was between one place of abode and another place of abode, consequently he was not entitled to compensation.

The third case was that of Screen v. Dudley Coal Co. Ltd. (1926-27) W.C.R. 213 and it is as follows:—

> A miner on his daily journey between his place of employment and his place of abode received an injury to his right leg from a stone thrown at the train while travelling in the open brake-van of a train contrary to By-law XIV. He claimed compensation from his employer. The Commission ruled that by travelling in the brake-van the worker had added a risk to his journey, therefore the worker was in default. Claim dismissed.

I could go on quoting a number of such cases.

Hon. E. M. Heenan: They are all English cases?

Hon. J. G. HISLOP: No. A number of them are from the Eastern States. Here is one that occurred on the Sydney waterfront. It is the case of Thornley v. Sydney Waterfront Watchmen's Association (1942) W.C.R. 57. It reads as follows:—

> The applicant, a watchman, resided in a flat at Coogee, such flat being in a building which contained several flats and certain appurtenances common to all the flat dwellers in the building. Whilst leaving the building by the front door for the purpose of making his daily journey to work he stubbed a toe against the door whilst still in the building. His claim for compensation was denied. The Commission found that in the circumstances, applicant's "place of abode" was the building containing his flat and when injured he was still "within" his place of abode and not journeying to his place of employment as required.

All I am trying to point out is that this clause must lead to increased litigation and feeling between both sides which, in the last few years, has quietened down tremendously when dealing with workers' compensation cases and the whole subject has been on a much higher plane than previously. Any member who desires to peruse the other cases that I have here can do so if he so desires.

What would it cost the insurance companies and industry to introduce this clause into the Act? From the various opinions I have obtained, I can say that the claims submitted under this clause would average from three to five per cent. of the total claims paid. There are those who say that the increased cost is due to rising values. One could say, of course, that the costs could rise rapidly, and the explanation for that already lies in the definition of the word "accident."

The question is this: Will the worker gain sufficient by having this clause inserted in the Act and being allowed to believe that he is covered by all these minor provisions, which can be refuted by a Commission and which will lead him to higher litigation costs and bring the question of workers' compensation cases into an undesirable position that existed years ago? I do not think I would be doing anything in the interests of the worker to agree to this clause being included in the Act. I think members realise that I have at times obtained considerable benefit for workers under workers' compensation legislation. For a number of years, not only since I entered this House, but also before, I have spent much time in ensuring that a worker receives his just claim.

There are other clauses in the Bill that must receive serious consideration and members who know more about them than I have decided to discuss them, but the one I wish to deal with is that relating to hospital charges being dissociated from medical charges. I am sorry to hear that this provision is one that Mr. Hearn intends to oppose. Last year I inserted almost these exact words into an amending Bill but they were lost by the way.

Now it is proposed to insert them in the Act in almost identical form to the words I originally suggested. I asked for the provision of £75 for medical fees which would cover many other things and also an increased amount for hospital charges. My views have not changed in the slightest, and I ask that this be granted in cases that require medical attention. I do not think it will make any difference with regard to the increased allowance, but it would make a difference in respect of the availability of hospital accommodation for the injured worker.

Hon. G. Bennetts: The hospitals do not want them.

Hon. J. G. HISLOP: Last year I made the statement that it was almost impossible to get an injured worker into a hospital with the exception of St. John of God, and in that respect we had to rely on the generosity of the hospital itself. I feel that industry must have regard to the claims that can be made in this respect, and I do not think it is justified in expecting hospital accommodation for injured workers at a cheap rate.

Hon. H. Hearn: Is not that in the hands of the Workers' Compensation Board?

Hon. J. G. HISLOP: There is no justification for there not being sufficient provision made for men who may be compelled, as a result of injuries sustained in their employment, to obtain hospital accommodation. It is useless for Parliament to embody in legislation authority for payment of £150 for hospital accommodation if the Workers' Compensation Board does not raise the fees payable to the hospitals. It did not do that last year and today the allowance has been raised to 35s.

Hon. G. Fraser: No, to 27s.

Hon. J. G. HISLOP: It means that the worker cannot enter the hospital without the use of the 8s. allowed by the Commonwealth Government except possibly in the Royal Perth Hospital and St. John of God Hospital. Nowhere else could an injured worker think of going and being able to pay the hospital charges. No man could possibly go to the Mount Hospital because he could not afford the cost. It has to be borne in mind that if the injured worker is admitted to the Royal Perth Hospital he will be treated by the honorary staff, members of which are not entitled to make any charge.

Thus, industry, through the Workers' Compensation Board, is failing to meet the cost of these services, and consequently industry is asking the medical profession to look after its injured workers for nothing, or at any rate for a very reduced fee. As a matter of fact, an agreement has been arrived under which certain charges can be made to the honorary staff fund, but not to the individual dictor who is looking after the patient. If an injured worker is receiving hospital treatment, an adequate amount should be provided to meet the cost of that treatment. A second reason why what I suggest is necessary is that it would be possible under those conditions for a hospital to know what it was entitled to receive. On the previous basis, where medical fees, ambulance fees, and so on, plus hospital expenses, were lumped, the hospital very often did not receive any payment whatever until the whole case had been finalised. There were cases such as where a hospital had a bill for £100 but it received, in one case I know of, less than £40. Notwithstanding that fact, the hospital had to keep the worker, care for him and feed him as well. I am certain industry would not ask for that to be done.

Therefore I claim an adequate amount should be made available for payment of hospital dues so that the hospitals will know where they stand. The Workers' Compensation Board should be more realistic with regard to hospital charges, because today the expenses of hospitals are enormous. The institutions must be kept clean and fresh, and the cost of repairs, painting and so on is simply colossal. A bill that I saw recently for a small amount of work in a hospital was frightening compared with prewar standards. There is only one other objection I would raise, and I do not think I will press it for the time being. Rather will I attempt to compromise by watching the effect of this measure and, if necessary, I shall attempt to secure an alteration next year.

Last session, when I endeavoured to alter the payments, I suggested that the ambulance cost should be divorced from medical expenses. I also sought to make provision that ambulance expenses should be limited to £20. The reason I did that was that no one on the medical side would say that the cost of transporting a man to hospital was not a fair charge against the medical service, but one must realise that in this State patients often have to be brought long distances for treatment in the metropolitan area, because specialists and equipment are available here. Naturally, the patient would receive better treatment in those circumstances, and there would be in consequence a possible saving both to the man and the company concerned.

If the cost of the transport of such a patient from some distant area is debited against medical expenses, we might find that seriously injured men are brought to the public hospital here and the profession is asked to treat the man for little or nothing. Again, I do not think that industry really asks for that sort of thing. Last year, a patient had to be brought from the North-West by means of a Government service, and the cost of transport by 'plane was over £300. If that had been a workers' compensation case, it could be said that the medical expenses would be entirely used up in meeting the transport charges. In another case, a medical man had to be flown urgently to a centre in the North, again at a cost of £300.

I am merely asking that the serious cases that have to be brought to the metropolitan area to avail themselves of the ingenuity and specialist training of doctors here should be dealt with by some adequate provision. As a matter of fact, I am not concerned about the medical cost, because I do not think that many medical fees come within the limit allowed, and certainly those that would exceed £100 would be quite negligible. I am anxious to see that it is possible to admit injured workers to hospitals and that the hospitals will receive an adequate amount under the provisions of the Bill. Furthermore, I am anxious that they should receive the amount available without having to wait months and months before they receive it.

**HON. E. M. HEENAN** (North-East) [9.57]: The Bill proposes four or five amendments to the Act, the first being to Section 7. Another amendment deals with the proposed increase in the weekly rates of compensation to be paid to injured workers, and another amendment deals with increases in hospital and medical expenses. The Bill also contains a couple of other amendments that are more or less consequential.

Dealing with the first amendment, which refers to what has been described as the to-and-from clause—I think Mr. Hearn referred to it as the cradle to the grave clause—my first observation is to express disappointment that Dr. Hislop could see no merit in it. Although he claims to have done a considerable amount to increase benefits to workers under the workers' compensation legislation, I want to be quite frank and say that I cannot recollect one occasion when Dr. Hislop has taken a lead in this House in that regard. When I listened to his remarks tonight I did not hear him express any view on the adequacy or inadequacy of the proposed weekly payment.

In the light of the ever-increasing high cost of subsistence these days, it is open to argument whether industry is doing an adequate job by paying a maximum of £10 to a man injured during his employment, which means that the man with perhaps a wife and family, possibly through no fault of his own and probably through the direct negligence of his employers, is

injured and thrown out of employment for weeks or months, with the result that he and his unfortunate wife and children have to live on an amount considerably below the basic wage. If members think that is a proper amount of compensation in the circumstances, they should have something to say on the point.

Getting back to the to-and-from clause, it is true, as Mr. Hearn said, that the original concept of workers' compensation has undergone considerable change. Some of us in our brief experience will recall how over the years the intrinsic merit of the proposition that industry should pay or adequately compensate those who are injured in the course of their employment, is now receiving wider application.

Hon. L. A. Logan: Industry does not pay; the cost is passed on.

Hon. E. M. HEENAN: That is a technical angle. Mr. Hearn admits that industry pays and, in the primary instance, it does. Wisely, industry insures, with the result that somebody else accepts the burden—but industry pays the premium. As a general proposition, we can admit that industry has to pay. I hope members have read the to-and-from clause. It is a provision which already appears in the Queensland, New South Wales and Victorian Acts and the Minister, when introducing the measure in this House, expressed the view that it was a necessary amendment to our Act. He also stated that from calculations which had come to his knowledge it would cost industry an additional 4 per cent. to 5 per cent. I think that in this year of 1952 it is something that not only industry but the community in general has to face up to.

The proposition is simply this: From the time a worker leaves his home with the object of direct going to his work he is to be covered by workers' compensation. Also, when he leaves work and goes home to his place of abode direct, he is to be similarly covered. It is logical to argue that that is a legitimate cover for industry to undertake. A man leaves his home not to go to the pictures or for a swim or to do his wife's shopping, but to undertake his employer's work. From the time he leaves home and incurs the ordinary risks attendant on his arrival at work, he should be covered.

Three other States in Australia think similarly, and the time has arrived when industry in this State should undertake that added responsibility at the cost of paying additional premiums of perhaps less than 4 per cent. to 5 per cent. The proposed amendment is a long one and contains numerous safeguards. I fail to see any point in the cases mentioned by Dr. Hislop. The remarkable part about it was that the only cases he read out were those taken by men and brought before the Commission and defeated. I do not think he read out one case which had been upheld by the Commission.

Hon. J. G. Hislop: Were you listening?

Hon. E. M. HEENAN: I was listening. I may be wrong, and I am subject to correction; but, of the cases the hon. member read out, I do not recall one that was upheld.

Hon. J. G. Hislop: I specifically stated that it was not possible to get them because they were not published.

Hon. L. Craig: He pointed out that it was disadvantageous to the worker because he did not always succeed.

Hon. E. M. HEENAN: I am not going to put up the proposition that it is disadvantageous for the worker not to succeed in a case which is not legitimate. If someone submits a case that cannot be substantiated by the facts, a case that is not legitimate, it is not in the interests of anyone that such a man should succeed. But certainly there will be litigation. As anyone who has had anything to do with the law will concede, workers' compensation law is one of the chief aspects of litigation.

Butterworths publish a special volume dealing with workers' compensation cases. As Dr. Hislop knows, heart cases are a very frequent cause of litigation in the courts simply because, or largely because, the medical profession has difficulty in analysing whether such deaths are connected with a man's work or otherwise. One doctor expresses one view, another specialist expresses another, and finally it is left to a tribunal to decide. Certainly there will be an element of litigation, but there is a lot of litigation already concerning accidents that occur at work, and this will not be any different in that regard.

Hon. H. K. Watson: This will be still another harvest for the lawyers.

Hon. E. M. HEENAN: That is nonsense! Mr. Watson refers to a harvest for the lawyers as though the members of that profession are used to reaping harvests.

Hon. H. Hearn: Are they not?

Hon. E. M. HEENAN: No.

Hon. H. S. W. Parker: There should be a harvest for the lawyers. Why not?

Hon E. M. HEENAN: It is cheap to say that the furniture manufacturer or big people in industry rob the community.

Hon. H. Hearn: There is a difference between reaping a harvest and robbing.

Hon. E. M. HEENAN: When a person refers to any profession reaping a harvest, the implication is that members of that profession are doing something dishonest and being paid what they are not entitled to. I do not subscribe to that. Certainly there will be litigation. If a man leaves his work to go home and is held up somewhere for five minutes and meets with an accident, that might be a case involving

litigation, and lawyers will have to argue for and against, and a tribunal will have to decide the question.

Hon. A. R. Jones: A man might have a pot of beer on the way home.

Hon. E. M. HEENAN: The clause has ample safeguards. I have not heard anyone here argue it is not a fair thing that a worker should be covered from the time he commences to go to work until he gets home. If anyone can tell me he is not in the course of his duties during that period, I will be surprised.

Hon. A. R. Jones: He is not paid before he starts work.

Hon. H. Hearn: He is not under the control of his employer, either.

Hon. E. M. HEENAN: At present, workers' compensation covers him when he is actually only at work and under the direct control of the employer. This Bill is undoubtedly an advance. It is going a step further, a step which other States have already taken, and it has considerable merits which should justify its acceptance by a majority of this House. I was impressed by the figures quoted by Mr. Lavery, and I compliment him on putting up very good arguments in support of the Bill. I will not repeat the figures he quoted, but they indicated that the amount paid out in compensation is only around the 50 per cent. mark. Only about 50 per cent. of the amount that employers pay in premiums is paid to the workers.

Hon. H. S. W. Parker: And with the Labour Insurance Coy. in Queensland it is 44 per cent.

Hon. E. M. HEENAN: According to the figures Mr. Lavery quoted, in no instance did it go to 60 per cent. If it is going to cost another 5 per cent. to insure workers to and from work, I do not see anything wrong with that. It will bestow a great benefit on some unfortunate worker. I have in mind a man who, going to work, catches a tram and in alighting from it slips and breaks his leg or an ankle. That is ruination for him and his family at present.

Hon. L. Craig: He could do that on Saturday and Sunday when he is not paid. Probably he would be more likely to do it then.

Hon. E. M. HEENAN: Yes, he could. At present he could do it on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday and he is not covered. But if this amendment were made, he would be covered from Monday to Friday.

Hon. Sir Frank Gibson: Could he not cover himself?

Hon. E. M. HEENAN: I suggest that the hon. member ask some of the workers in his district at Fremantle who have four or five children to support and have to buy milk and bread and fruit and vegetables.

Hon. H. S. W. Parker: Milk is free.

Hon. E. M. HEENAN: They would be able to tell the hon. member better than I could. There is an answerable case for this amendment. I go so far as to say that I think industry is not fulfilling its obligations to its workers or the community in opposing such a measure, especially in the year 1952.

**HON. E. M. DAVIES** (West) [10.14]: I rise to support the Bill because I believe it is necessary from time to time that we should progress. The first amendment deals with that much discussed proposition to provide compensation for a worker travelling between his place of abode and his place of employment. There has been a great deal of argument adduced in that regard and so I will say only that there are a great number of employees of the Commonwealth and workers in three other States—

Hon. H. Hearn: They are highly industrialised.

Hon. E. M. DAVIES: Already a great percentage of the workers employed in industry are enjoying this provision. The present State Government has brought down similar legislation on two or three occasions, but if it was sincere one would think—

Hon. G. Fraser: That it would crack the whip?

Hon. E. M. DAVIES: I do not know what that means. As the present Government has introduced several measures including this provision, it may wish the electors to think that this is the policy of the Government, or, on the other hand, it may be merely flying a kite, knowing that the legislation will not be passed. As so many of the workers in Australia are already receiving these benefits, there is no reason why industry in this State should not fall into line.

The question of the Premium Rates Committee has been adequately covered tonight by Mr. Lavery and others, and so I shall not deal with it, but will have something to say on the provision which seeks to increase the amount of compensation payable to workers with or without dependants. The Bill provides for a payment of £10 per week to the worker with dependants, and that would be a great improvement. The Arbitration laws of the State provide that, from time to time, a basic wage shall be struck and that it shall be the wage on which a man with a wife and two children can exist reasonably.

It would appear, however, that the worker who is injured in the course of his duty is expected to exist and provide for his family on something less than the basic wage. Such an injured worker is certainly entitled to compensation sufficient to enable him to maintain himself and his wife and family in reason-

able comfort during the period of his incapacitation. In the case of the worker without dependants there seems to be a departure from the principle that a worker is entitled to receive an adequate reward for his labour. There are many workers who are not married but have widowed mothers or related children whom they are called upon to support. There are even those who have no such dependants, but may be regarded as potential breadwinners. Such workers should have an opportunity of being able to prepare for the time when they will have to accept the responsibility of maintaining a wife and family.

The difficulty cannot be overcome simply by saying that some statute lays down that 66⅔ per cent. of the basic wage shall be the payment under the Workers' Compensation Act. I believe the compensation should be computed at the figure necessary to allow the worker to provide the necessities for his home while he is incapacitated, and there is also the question of medical benefits and the payment of hospital fees. During our own lifetime we have seen people forced by circumstances —often through having met with accidents —to try to gain subsistence by begging in the streets. Fortunately industry and the community generally have agreed that when a worker is injured in the course of his duty, he should receive sufficient compensation to provide him with medical attention and enable him to live during the period of his treatment.

It has also been agreed that, should the injured worker not regain his full capacity for work, some payment should be made to allow him to live under reasonably decent conditions. It would seem that a bomb has been dropped in the form of the wonderful Page health scheme. When an injured worker is compelled to enter hospital, the Workers' Compensation Board provides a payment of 27s. per day for any hospital in the metropolitan area and 22s. per day in country hospitals, though why the payment should be different in the metropolitan hospital from that in a country hospital I am at a loss to understand.

Hon. N. E. Baxter: We cannot alter that under this Bill.

Hon. E. M. DAVIES: The position now is that sufficient is not paid to cover the cost to the injured worker of the treatment to which he is entitled. The lowest charge today for a bed in a metropolitan hospital is 35s. per day, and 30s. in country hospitals. When a worker has been in hospital for a certain number of days he is charged the 35s. per day and, in addition to that, there is a charge for extras. He is credited by the Workers' Compensation Board with the 27s. per day—in the metropolitan area—and then there is a deduction of that amount from the charge of 35s. per day plus extras, following which there is arrived at what is termed the ascertained amount, and that is divided by 35.

When the 8s. per day is paid by the Commonwealth it is paid for a full day and part of a day is charged as a full day. If the worker is in hospital for four days, after the charge of 35s. and the payment of 27s. by the Workers' Compensation Board—without the extras—are taken into consideration, he is then called upon to pay £1 12s. Are we to understand that the worker is being given the good deal that some people say he is receiving? The injured worker will not continue to accept the present position without making a fuss about it. The Workers' Compensation Board decides the amount of these payments and I think that workers' compensation insurance should be increased to whatever degree is necessary to remedy the present position. The cost per bed per day in any hospital under Government control is now £2 16s. 5d. but the Workers' Compensation Board pays the hospital 27s. and the balance has to be found by the worker. Although there has been a great deal of improvement down the years, the present position leaves a great deal still to be done. We certainly do not want ever to get back to the days when the injured worker was paid £1 for medical expenses and hospital treatment, because there are in the community today cripples who would have been in reasonable health had proper treatment been made available to them at the time of their injury.

*Sitting suspended from 10.30 to 11 p.m.*

Hon. E. M. DAVIES: I want to mention the matter of the amount allowed under the Act for total incapacity. I know that in the past it has been a reasonable sum. Those who are totally incapacitated and receive a lump sum should have sufficient so that they can live in reasonable comfort, but I believe that, in view of the inflationary trend and depreciation of the £, some consideration should be given to increasing the amount. I hope that when the Bill is dealt with in Committee, members will give some thought to this aspect. I support the second reading.

**HON. L. A. LOGAN** (Midland) [11.3]: We have been asked whether we do or do not think it fair that a worker should be covered from his place of employment to his home, and from his home to his place of employment. I say straight out that I do not think it is fair. The sooner the worker considers that his job is his industry and that he is working for his own benefit, the better off we will be. An employer has to insure himself, therefore, in respect of anything that may

occur outside his place of employment it is the worker's place to insure himself. Different friendly societies, and others, offer various coverages so that for small weekly payments most of the cases which would come under this provision can be covered.

The worker when proceeding to work is going to his own business, and he should realise it. It has been stated that litigation will occur. This was inclined to be ridiculed in some cases, but I consider the wording of the clause will lead to litigation. The first portion in regard to travelling to and from work states, "and the injury is not received during and after a substantial interruption." What is the definition of "substantial?" If a man gets off his bike and hops into the pub to have one drink, and then gets on his bike again, and subsequently is knocked off, has the interruption been substantial, or minor? This in itself, will cause litigation.

Hon. F. R. H. Lavery: If he has a beer on the way home, he is not entitled to it.

Hon. L. A. LOGAN: The Bill does not say that. Provided it was not a substantial interruption, he would be covered.

Hon. H. S. W. Parker: How many glasses would be substantial.

Hon. L. A. LOGAN: This will cause litigation. The Bill also refers to "substantial deviation."

Hon. N. E. Baxter: Substantial deviation may be 100 yards or two miles.

Hon. L. A. LOGAN: That is so. If the clause is agreed to, then, in my opinion, a man could go into an hotel for a drink and come out again, and would still be entitled to compensation.

Hon. G. Fraser: Where does it say that in the Act?

Hon. L. A. LOGAN: I say he could because of the word "substantial."

Hon. G. Fraser: Who interprets it?

Hon. L. A. LOGAN: The board, I presume.

Hon. G. Fraser: You do not presume! It is there.

Hon. L. A. LOGAN: It has to interpret the word "substantial."

Hon. E. M. Heenan: The board should be capable of doing that.

Hon. L. A. LOGAN: Much of the Bill was criticised, but I do not intend to oppose any of the other clauses. I am quite happy about them as they are printed, but I do not believe that the first portion seeking to cover a man when travelling to and from work should be accepted, and I intend to oppose it at the Committee stage.

**HON. G. FRASER** (West) [11.8]: It seems pretty certain that the second reading will be carried. That is why I do not intend to deal at any length with the provisions of the Bill. It appears that whatever fights there are to be will take place later on in Committee. Before I criticise the Bill, let me have a bit of a grouch about the difficulty of considering the Bill with the Act as it is. I have tried not once, but four or five times since the Bill came here, to dovetail the amendments into the Act. I have a copy of the Act made up to 1948, and also of the 1949 and 1951 amendments. There may be one other amendment that I have not got, but of this I am not sure. I have tried to read them into the Act, but have not been able to do so.

I have co-opted other members who have had a lot of experience of the Workers' Compensation Act, but they have not been able to do it either. Yet we are asked to debate amending Bills of this description! To demonstrate my point, I refer members to Clause 4 which proposes to add after the words "weekly payments" in line 18, certain words. The nearest I could get to this in the Act was line 21. Then there is a further amendment which refers to line 20, and the nearest I could get in this instance was line 24. I had an industrial man trying to fathom this out, but he was not able to do it either.

Hon. J. G. Hislop: Have you got a copy of the 1949 reprint?

Hon. G. FRASER: No, the 1948 copy was the latest I could get.

Hon. J. G. Hislop: I have the 1949 reprint.

Hon. G. FRASER: It is too late for me to look at it now, but I shall do so later. The worst feature is that when we get to Clause 5 (d) we find this, "In addition to such amount there shall be payable in line 21 the words." So far, I have not been able to find this reference at all.

Hon. H. S. W. Parker: Do you think we ought to throw the Bill out?

Hon. G. FRASER: No, but I am raising this point, and I think the hon. member ought to support me. When an important Bill comes before the House members should have sufficient up-to-date copies of the Act so that they can intelligently discuss the intended alterations. Not only in connection with this Bill but others this session, we have had to look up four or five statutes to find out what was being dealt with. In the last week of the session, particularly, it is almost impossible for members to find out just what is intended by the amending Bill. I am hoping that some effort will be made in the future so that members will know what is intended.

The main amendment—because it has been tried for several years—is the home-to-home clause. I am getting tired of the confidence trick that is attempted to be put over when we find the Government on the hustings promising certain things and then introducing Bills, and subsequently its own followers in this Chamber throwing them out. This is not fair or reasonable. I interjected during the course of the debate tonight that there is such a thing as a whip cracking on many occasions.

Hon. H. Hearn: You do not believe it, though.

Hon. G. FRASER: Do I not?

Hon. H. Hearn: Only on your own side.

Hon. G. FRASER: We have had instances here only in the last week or two where it has occurred. Members have, without attempting in any shape or form to put up a case, voted in a different manner from what they would have done had they been free—because the whip was cracked.

Hon. H. Hearn: You are indulging in flights of fancy.

Hon. H. S. W. Parker: You think the whip is worn out now.

Hon. G. FRASER: It ought to be, the number of times it has been cracked during the session. I am hoping that some members will not let themselves be goaded into casting a vote against something that they should genuinely be voting for. The supporters of the Government should stand up to the Government's promises when a measure is introduced.

Hon. A. R. Jones: This is a non-party House.

Hon. G. FRASER: Yes, except when industrial legislation comes here. I have noticed this repeatedly. Although the Government has been responsible for introducing the Bill, it seems that members here have not confidence in their own Government.

Hon. L. A. Logan: Has the workers' compensation Bill been tossed out.

Hon. G. FRASER: No, but certain portions will be, if I am any judge.

Hon. H. Hearn: But you are very thankful for what will be passed.

Hon. G. FRASER: Not only tonight, but on previous occasions when this Government has attempted to put legislation into operation, this has occurred. One of the main supporters of the Government is turning it down. Yet he will go out in a month or so and speak on a platform on behalf of the Government, and support another Government candidate.

Hon. H. Hearn: Why do you not join our party and straighten us out?

Hon. G. FRASER: That hon member will ask the people to return a Government in which he apparently has no confidence because he intends to vote against legislation that has been introduced by the Government.

Hon. L. A. Logan: I do not believe in voting for a proposition if I think it is wrong. That is what I am here for.

Hon. G. FRASER: I hope that there will be a change of heart tonight and that the Legislative Council will, for once in its life, do something to allow the Government to give this particular aspect of the legislation a trial in this State. This is something we have wanted for years.

Hon. H. Hearn: Try out or try on?

Hon. G. FRASER: The Government is prepared to do it, and we are ready to help it. Let us give it a trial, particularly as similar legislation is in operation in other Australian States. Many of the Commonwealth services are covered by an Act which contains a provision similar to this and three States in the Commonwealth have it in their legislation and have had for a couple of years or so. As Dr. Hislop mentioned, it will make a difference of only four or five per cent. in the cost of workers' compensation.

Hon. G. Bennetts: Mr. Lavery contradicted that.

Hon. G. FRASER: I am assuming that those figures are correct. That will mean a total of only 60 per cent. of the premiums paid will be used for all classes of compensation. I cannot understand Mr. Hearn's opposition to this provision because as far as the employers are concerned, it will not mean any increase in the rates payable.

Hon. H. Hearn: Of course it will.

Hon. G. FRASER: Why should it?

Hon. H. Hearn: Ask the Premium Rates Committee. We cannot tell you.

Hon. G. FRASER: Why should it make any difference? It has made so much money out of workers' compensation cases that a Bill was recently introduced to permit the office to invest some of its funds.

Hon. F. R. H. Lavery: Almost £250,000 made last year.

The Minister for Agriculture: It would not want to live from hand to mouth.

Hon. G. FRASER: I agree that it must have a reserve, but the business has been so profitable that legislation had to be introduced to allow of the investment of some of the funds. I am not the least bit afraid of this "home to home" clause. It will not make any difference in the premium rate.

Hon. H. Hearn: You won't have to pay it if there is.

Hon. G. FRASER: Why will not the hon. member unbend sufficiently to give it a trial?

Hon. H. Hearn: It is easier to get legislation on the statute book than off it.

Hon. G. FRASER: It has been on the statute book of other States and there has been—

Hon. H. Hearn: And it has never come off.

Hon. G. FRASER: —little increase in the number of cases. I venture to suggest that it would not make a difference of one half per cent.

Hon. H. Hearn: You are only guessing. Why guess? Why not bring some evidence before us?

Hon. G. FRASER: It is not possible to get evidence on it.

Hon. H. Hearn: Then why guess?

Hon. G. FRASER: Let the hon. member hazard a guess.

Hon. H. Hearn: That won't get us anywhere.

Hon. G. FRASER: I am prepared to say that it would not make a difference of one half per cent. in the number of compensation cases. Why are members afraid of it? Mr. Logan stretched it so much that he stated it would cover a man who went in for a pot of beer.

Hon. L. A. Logan: I did not stretch anything.

Hon. G. FRASER: This will be governed by the board.

Hon. L. A. Logan: By what is in the Act, too.

Hon. G. FRASER: Has not the board, in the past, shown that it is prepared to look after all interests. It is not a fool board; it looks after everybody concerned. We know how difficult it has been in the past to get even genuine cases fixed up.

Hon. L. A. Logan: Has it not made mistakes?

Hon. G. FRASER: The board safeguards the interests of all concerned, and the workers, too, would safeguard this provision. They would be the greatest watch dogs in connection with it and they would see that other workers did not take advantage of it. They would not want to run the risk of losing its protection. So I hope that members will vote for that part of the Bill. I know that we must accept the amounts laid down in the Bill, but we are not happy about it—that is the £8 and the £10. As a matter of fact, in the basic wage adjustment it is laid down that a man, wife and two children shall be taken into consideration, but the difference in this payment—that is, £2 difference between a married man and a single man—allows only for a wife and one child.

Hon. N. E. Baxter: Is not that similar to basic wage payments?

Hon. G. FRASER: No, there is an allowance for two children there. Under the parent Act a dependent wife is allowed 30s. and there is an allowance of 10s. for each dependent child. That means that this £2 difference allows for a wife and only one child. There is no allowance, as there is in the basic wage, for two children. Yet we are asked to accept that figure as being a reasonable one! At the moment the basic wage in this State is approximately £12.

Hon. N. E. Baxter: What is it for a single man?

Hon. G. FRASER: I am discussing the position of a married man. When one compares the payment of £10 with the basic wage of £12 a week, one realises how much worse off the injured worker is.

Hon. N. E. Baxter: But this is only compensation.

Hon. G. FRASER: We have to take into consideration the fact that this Act will cover people in many parts of the State —areas where the basic wage is much higher than £12 a week. Yet the maximum payment will be £10 a week. We accept it with a bad grace because we consider that the amount is far too low. There is also the aspect of hospitalisation. I have an amendment on the notice paper, which I will not discuss now, that will have the effect of leaving the amount of £250 as is proposed, but instead of it being split into £150 and £100 as it is in the Bill I want to leave the distribution on the same basis as it is today. That will mean that the combined hospital and medical rate will be £250. When we go into Committee, I will deal with that aspect more fully. I support the second reading and make a final appeal to members who have not committed themselves, and even those who have spoken and are a little doubtful as to their attitude, to support this Bill, particularly those aspects of it to which I have referred.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 7 amended:

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

| | |
|---|---|
| Ayes .... .... .... .... | 10 |
| Noes .... .... .... .... | 15 |
| Majority against .... .... | 5 |

Ayes.

| | |
|---|---|
| Hon. C. W. D. Barker | Hon. E. M. Heenan |
| Hon. G. Bennetts | Hon. F. R. H. Lavery |
| Hon. E. M. Davies | Hon. C. H. Simpson |
| Hon. G. Fraser | Hon. H. C. Strickland |
| Hon. W. R. Hall | Hon. R. J. Boylen |

*(Teller.)*

Noes

| | |
|---|---|
| Hon. N. E. Baxter | Hon. A. R. Jones |
| Hon. L. Craig | Hon. L. A. Logan |
| Hon. J. Cunningham | Hon. H. S. W. Parker |
| Hon. L. C. Diver | Hon. J. McI. Thomson |
| Hon. Sir Frank Gibson | Hon. H. K. Watson |
| Hon. H. Hearn | Hon. F. R. Welsh |
| Hon. C. H. Henning | Hon. J. Murray |
| Hon. J. G. Hislop | *(Teller.)* |

Clause thus negatived.

Clauses 3 and 4—agreed to.

Clause 5—Paragraph (c) of the proviso to Clause 1 of the First Schedule amended:

Hon. G. FRASER: I move an amendment—

That paragraph (a) be struck out.

Members will note that I have several amendments on the notice paper and it will be necessary to discuss all of them on this particular amendment. If all my amendments are carried, the position will be that instead of having two different payments of £100 and £150, a total payment of £250 will be provided. It would be too lopsided to separate the two amounts. In many cases, more than £150 would be required for hospital expenses and more than £75 for medical expenses.

Hon. J. G. HISLOP: I trust the Committee will not agree to the amendment. Last year I put up a fight on this matter, and the powers-that-be have seen the reason for it and have agreed with my argument. I hope we shall not go back to providing a lump sum for both hospital and medical expenses. In all the other States, the two amounts are separated. New South Wales has a fixed sum for medical expenses and a limited amount for hospital expenses. Under the conditions existing in the past, hospitals have been in extreme difficulty at times in dealing with serious cases involving a long stay in the institutions.

If the two amounts are lumped together, the hospitals will be in the position that they will not know what they are to receive right up to the point of the man's discharge, whereas if a private hospital knows that only £150 is provided for the man's hospitalisation, it can work out the time he can remain under its care. At times it has been necessary to transfer a patient from a private to a public hospital because the medical men and the hospital authorities realised that the treatment of the case would extend over a long period and they could not possibly bear the cost.

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

| | |
|---|---|
| Ayes .... .... .... .... | 10 |
| Noes .... .... .... .... | 16 |
| Majority against .... | 6 |

Ayes.

| | |
|---|---|
| Hon. C. W. D. Barker | Hon. W. R. Hall |
| Hon. G. Bennetts | Hon. E. M. Heenan |
| Hon. R. J. Boylen | Hon. F. R. H. Lavery |
| Hon. E. M. Davies | Hon. H. C. Strickland |
| Hon. G. Fraser | Hon. H. K. Watson |
| | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. Sir Chas. Latham |
| Hon. L. Craig | Hon. L. A. Logan |
| Hon. J. Cunningham | Hon. J. Murray |
| Hon. L. C. Diver | Hon. H. S. W. Parker |
| Hon. Sir Frank Gibson | Hon. C. H. Simpson |
| Hon. C. H. Henning | Hon. J. McI. Thomson |
| Hon. J. G. Hislop | Hon. F. R. Welsh |
| Hon. A. R. Jones | Hon. H. Hearn |
| | *(Teller.)* |

Amendment thus negatived.

Hon. G. FRASER: Quite a lot has been said about the amount allowed for compensation cases in metropolitan hospitals and those in country hospitals, the amount in the metropolitan area being 22s. a day.

Hon. L. Craig: Plus 8s. a day from the Commonwealth.

Hon. G. FRASER: That is so. It has been said that we cannot alter this provision, but I think we can. It is the proviso that is under discussion, and that is included in it. If that provision and one or two other small subparagraphs were taken out of the Act, power would be taken from the board, and I think that should be done when we consider that the minimum hospital charge is 35s. per day and the board is paying only 27s. per day. I have here the list of charges provided by one hospital for one, two, three and four-bed wards. When one individual that I know was injured during his employment, he was placed in a one-bed ward at a charge of 40s. a day. This case happened outside the metropolitan area. That person will be paid only 22s. a day by the board and 8s. from the Commonwealth, and if he had remained in that one-bed ward he would have had to pay 10s a day out of his own pocket.

Hon. L. Craig: Anyone who is a member of a hospital benefit society would receive another 9s. a day.

Hon. G. FRASER: He might, but I do not know whether such societies have a clause in their rules that will provide for payment to be made to a workers' compensation case. I know that in many friendly societies such a clause is not included in the terms of their medical benefit schemes. In any case, I think that hospital benefit schemes will eventually have to include such a clause in their rules.

Hon. C. W. D. Barker: A hospital benefit scheme will not pay any expenses of a workers' compensation case.

Hon. G. FRASER: I did not think it would. Therefore a person who is injured receives only 22s. a day from the board and 8s. from the Commonwealth. The worker that I mentioned was in hospital for 37 days, some of which he spent in a one-bed ward at 40s. a day and the remainder in other wards where the charges fluctuated

from 30s. to 21s. a day. His total account was £67 8s. and, after receiving £42 10s. from the Workers' Compensation Board and a hospital benefit of £14 16s., he had to pay £10 2s. out of his own pocket.

Hon. H. S. W. Parker: He was kept during that period.

Hon. G. FRASER: Admittedly, and so was his family, but members must realise that such payments are well below the basic wage. The compensation paid to an injured worker would amount to £8 a week as against a basic wage of £12 a week. To test the feeling of the Committee, I move an amendment—

That paragraph (d) be struck out.

The MINISTER FOR TRANSPORT: I hope that members will retain the provisions of the Bill. Account was taken of the new arrangement with the Commonwealth and it was assumed that people would insure themselves by becoming members of a benefit society and that this would enable them to gain the subsidy from the Commonwealth health scheme. The two things have been tied up together, and it was decided to alter the previous payments to those now proposed.

Hon. J. G. Hislop: Are you sure they are getting it?

The MINISTER FOR TRANSPORT: I did not have time today to communicate with the manager of the State Insurance Office to find out. It is only fair that members should have the information and I am prepared to report progress and answer the comments tomorrow.

Progress reported.

## BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [11.47] in moving the second reading said: The hour is late, but there are two small Bills I wish to move tonight so that members will have an opportunity to examine them in the light of my explanations and that should save time on the remaining days of our sittings.

As members are aware, the Government has contracted with a Dutch firm for the dredging of part of Cockburn Sound to permit of the safe passage of vessels to and from wharves adjacent to the Kwinana Oil Refinery. These dredges will be in charge of Dutch masters. Vessels operating in waters within three miles of the Western Australian coast line are subject to the Marine Act, which in general terms provides for the safe navigation and seaworthiness of all such vessels. This includes the proper certification of masters, deck officers and engineers. Under the Act, no alien may hold such a certificate. This applies in respect of all similar Acts in the British Empire. Persons concerned must be British subjects or naturalised British subjects.

With regard to the Dutch dredges, the principal Act, therefore, makes it mandatory that the vessels shall be in charge of men holding a certificate issued under that Act or the Merchant Shipping Act or the Commonwealth Navigation Act. As, however, the masters of the vessels will be Dutchmen, they will not be eligible to hold such certificates. In these circumstances, it is proposed, by the amending Bill, to provide exemption for the masters concerned while the vessels are operating in Cockburn Sound.

It is not intended to exempt vessels from the surveying requirements of the Act. Similar exempting provisions have been passed in New South Wales and Victoria, where the same dredging firm as that which will be operating in Cockburn Sound is operating on behalf of those State Governments. The proposal in the Bill is to amend Section 17 of the Act, which gives the Governor power to make regulations thereunder. All that will be required, therefore, is for a regulation to be promulgated exempting the Dutch masters from the provisions of the Act, in so far as their certificates are concerned. They are already well-qualified men, but, as I said before, being aliens they are not entitled to hold certificates under the Acts I have mentioned.

I should like to assure the House that the letting of this dredging contract to Dutch firms will not, as has been alleged in certain quarters, cause unemployment within the ranks of local experienced dredging men. The dredging technique and experience possessed by certain Dutch firms is far greater than that which Australian firms have been able to gain. For instance, the performance at Albany of the Dutch firm known as Australian Dredging and General Works Pty. Ltd., illustrates the ability with which these firms complete their contracts. In seven months this firm removed 1,400,000 cubic yards from Albany harbour and deposited it on the foreshore as reclamation. This work was carried out at the rate of approximately 44,000 cubic yards per week by the use of two 10-hour shifts and a five-day week.

I understand that half of the personnel employed on the Kwinana dredging scheme will be Dutch nationals and half will be drawn from local sources. The company has expressed a desire to use local experienced men, and the Public Works Department has agreed to endeavour to find accredited dredging men here. I feel sure that members will agree that important developmental dredging of the magnitude required at Cockburn Sound and at our outports should be let to firms that are fully equipped and qualified to carry out the work at the least

possible cost within the time appointed. There is no doubt that experienced oversea firms can do this work in less time and at less cost than could be achieved by local effort.

The firms that carry out this work do so under a very substantial bond and a heavy time penalty to complete their contracts within the specified time. The dredger "Sir James Mitchell," which is at Albany at present, could not be used in Cockburn Sound, as it will be required for dredging necessary for the construction of No. 10 berth, North Wharf, as soon as finance is available. I move—

> That the Bill be now read a second time.

**HON. E. M. DAVIES** (West) [11.53]: After having had a casual look at the Bill, it seems extraordinary to me that a foreign company can be engaged under the Marine Act of the State to do certain work. From what I can gather, the Bill proposes to amend Section 17 to exempt from the Act and from compliance with any rule, regulation or proclamation made pursuant to the Act of any person or vessel or class of person or class of vessel. Is it not peculiar that a foreign company can come here and be exempted from the provisions of the Act?

Hon. H. S. W. Parker: It would be only the master.

Hon. E. M. DAVIES: But I am unable to understand the reason for it. Surely we have men who are capable under the Commonwealth Navigation Act and also under the State Marine Act to take charge of these dredges! Even if a foreign dredge had its master, there should be some other way of overcoming the difficulty. I am wondering whether, if a British firm went to a foreign country to carry out similar work, the foreigners, as our people would be in that country, would be exempted from compliance with the local legislation.

The Bill also proposes to authorise the department at any time to cancel an exemption wholly or in part and to cancel and from time to time waive, add to and otherwise vary the conditions of an exemption. We do not know what that might mean. Possibly it would mean exemption from the provisions of the Navigation Act. I should like to have more information from the Minister before I vote for the second reading.

We have been told by the Minister that the granting of this exemption will not be the means of increasing unemployment. We have quite a number of men who are usually engaged in dredging work and whether they are unemployed at the moment I do not know, but I do know that there are men in and around the port of Fremantle who are looking for work, and I wish to be assured that they will not be denied the opportunity of earning a living by our passing a measure such as this.

**HON. F. R. H. LAVERY** (West) [11.57]: I wish to ask the Minister a couple of questions before the Bill is put to the vote. I understood the Minister to say that one of the reasons for introducing the Bill was the excellent work done by the Dutch people at Albany. If they were able to work at Albany, why was not legislation required then to grant them exemption? The Bill contains a provision as follows:—

> authorising the department for the purpose of facilitating the carrying out of works, including dredging, in or in connection with a port, or for any other purpose from time to time to exempt from compliance with any of the provisions of the Act.

I understood the object was merely to permit the masters of these boats to have a certificate for operating in our waters, but the Bill provides for exemption from compliance with any of the provisions of the Act. I do not think that is quite in order and I hope the Minister will explain the points I have raised.

*Personal Explanation.*

The **MINISTER FOR TRANSPORT**: When moving the second reading, I prefaced my remarks by stating that I was bringing the Bill forward tonight so that members would have time, if necessary, to make inquiries regarding the measure. Offhand I cannot answer the questions that have been asked by Mr. Lavery, and it is due to him that an explanation should be given.

*Debate Resumed.*

On motion by the Minister for Transport, debate adjourned.

## BILL—RESERVES.

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. Sir Charles Latham—Central) [12.1 a.m.] in moving the second reading said: This is the Bill usually brought down at this stage of the session. I will run through the provisions and then table the papers for members to see if they desire.

Clauses 2 and 3 deal with Reserves Nos. A.20952 and A.20953 at Bayswater. These reserves come within an area required by the Railway Department for the proposed new marshalling yards between Bayswater and Bassendean. They comprise areas originally donated to the Bayswater Road Board by the subdividers of adjacent land. The road board surrendered the land to the Crown for the purpose of having them declared Class "A" reserves for recreation, but they have not been developed for that purpose. Only a portion of Reserve A.20952 comes within the railway area and is being reduced accordingly. Reserve A.20953 is to be totally cancelled and the area reserved for railway purposes.

The next clause deals with Reserve No. 1454 at Boyup Brook. This reserve was set apart for the purposes of recreation and picnic ground and vested in the Upper Blackwood Road Board. The road board desires the reserve to be divided into separate reserves for the two purposes so that bylaws may be made to control the use of the portion being developed for recreation purposes. Portions of Lots 195 and 196 south of Barron-st. have been selected by the road board as the proposed separate reserve for the picnic ground and these lots are to be excised from the main reserve. The purpose of the balance of the reserve is to be altered to recreation only. The portions of Lots 195 and 196 north of Barron-st. are to be included, with the vacant Crown land between the northern side of Barron-st. and the Boyup Brook, in a new reserve for recreation.

Clause 5 has reference to Reserve No. 23510 at Crawley. The Crawley Municipal Baths were established in the year 1914 by authority of Cabinet, but the matter of creating a reserve for the purpose was overlooked, although the site was shown on all official plans. Reserve No. 23510 was declared in June, 1952, to include the land between the south-eastern alignment of Mount's Bay-rd. and the bank of the Swan River, but did not include the land below high-water mark. Authority is now required to amend the reserve to include the area within the portion of the bed of the Swan River that has been fenced off for many years and used for the actual swimming area of the baths. The City of Perth requires authority to expend its moneys on the construction and maintenance of the baths and its various appurtenances.

The next division is Clause 6, Reserve No. 20388 at Cottesloe. This reserve comprises the beach northward from North-st., Cottesloe, and separates the Swanbourne Defence Area and the Rifle Range from the sea. It has been reserved since 1930 when it was vested in the defunct Claremont Road Board. The reserve is now in the Nedlands Road District and the Nedlands Road Board has assumed responsibility under the vesting order. The Commonwealth of Australia desires to acquire the portion of the reserve west of the defence areas to control the beach front to secure it from intrusion and for public safety. The Nedlands Road Board opposed interference with the reserve and will not voluntarily surrender the vesting order and as the reserve is set apart for the use and enjoyment of the people the compulsory clauses of the Commonwealth Lands Acquisition Act are inoperative. It is necessary to obtain parliamentary authority to the cancellation of the reserve and the revesting of the land in Her Majesty as of her former estate. The portion of the reserve between North- and Woods-sts. will require to be reserved again for recreation purposes and vested in the Nedlands Road Board.

Clause 7 has relation to the Dardanup hallsite. The Dardanup Hall is erected on freehold land acquired in 1895 by Harry Whittall Venn, Forbes Fee, Ephraim Gardiner, Frank Johnston and James Maguire who executed a declaration of trust duly lodged in the Land Titles Office acknowledging that they held the land as trustees of and for the Dardanup agricultural hall. All the trustees are deceased and for some years the Dardanup Road Board has assumed custody of the premises. It is desired that the land be revested in Her Majesty so that it can be declared a hallsite reserve and vested in the Dardanup Road Board in trust for that purpose.

The next division is Clause No. 8, Reserve No. A.11059 at Doodlakine. The Main Roads Department and the Doodlakine Road Board are urgently in need of stone for road construction. Suitable stone exists on Class "A" Reserve No. 11059 set apart for the purpose of parklands and on which an old quarry was located. It is desired to excise an area of 22 acres 3 roods 36 perches from the reserve for the purpose of creating a separate quarry reserve to be made available for leasing for quarrying purposes under conditions which will ensure that the Main Roads Department and the local authority will have first option on any road material quarried from the reserve.

Then we come to Clause 9, Reserve A.21054 East Perth—Disused Cemetery. The Public Works Department has recently carried out extensive renovating work on the main portion of this reserve east of Plain-st. to which all grave stones have been or are being removed from the area west of Plain-st. The latter area comprises Perth Lots E.69 to E.72 inclusive which are required by the Education Department for extensions to the Perth Girls' High School site. It is proposed to excise the four lots from the Cemetery Reserve and to set them apart as a reserve for educational purposes. Subclause (2) provides for authority to enable a lease to be granted, to the Perth Diocesan Trustees, of the portion of the reserve on which St. Bartholomew's Anglican Church is erected. The land was previously held in fee simple by the trustees for the purpose of a general burial ground, but was revested in the Crown by the operation of the East Perth Cemeteries Act, 1932. As the church is in continual use for church services, the trustees desire to obtain some tenure of the churchsite. It is proposed that a lease be granted by the Governor for a period not exceeding 50 years at a peppercorn rental.

The next divisions are Clauses 10 and 11, Reserve No. 17035—Schoolsite and Park Reserve—Fremantle. Fremantle Lot

1517 was held in fee simple by the City of Fremantle in trust for the purposes of a public park. Portion was excised pursuant to Section 10 of Act No. 51 of 1945 and was included in the adjoining schoolsite reserve No. 17035. The Education Department agreed to release portion of the area and this portion has been surveyed as Fremantle Lot 1817. It is desired to change the purposes for which Lot 1517 was granted in trust from public park to park, recreation and communitly centre. It is deemed necessary to revest in Her Majesty the balance of Fremantle Lot 1517 and that a fresh reserve be declared over the same land together with Fremantle Lot 1517 for the purpose of park, recreation and community centre and to grant the land in fee simple to the City of Fremantle in trust for those purposes.

Next there is Clause 12, Reserve A.10216 at Moore River. A new townsite known as Guildertown has been declared near the mouth of the Moore River and includes Reserve A.10216 portion of which it is desired to subdivide as town lots. The reserve was set apart for the purpose of a "picnicking ground" but ample provision for an alternative reserve will be made in the design for subdivision of the new townsite.

The next division is Clause 13, Reserve No. 14223 at Merredin. The Commonwealth of Australia is already using as an army training depot portions of Reserve No. 14223 at Merredin which is set apart for the purposes of recreation and showground and the Merredin Road Board in which the reserve is vested requiries authority to enter into an agreement with the Commonwealth to lease the portion of the reserve. Portions of the reserve covering the hockey oval, tennis courts, croquet lawn and certain buildings will be excluded from the proposed lease. The Commonwealth has asked that authority be given for a lease of five years with provision for extension if required. This clause proposes that authority be given for the leasing of the portion of the reserve for such period and under such conditions as the Governor may approve.

Clause 14 relates to Reserve No. 7944 which is at Nabawa. Victoria Location 6991 of 231 acres at Nabawa was set apart in August, 1902, as Reserve No. 7944 for the purpose of showground, recreation and racecourse. A lease of the reserve for a term of 99 years was granted in March 1913, to certain trustees of the Nabawa Race Club. Three of the Trustees, viz., W. F. Jupp, R. Gould and A. S. Hayward are deceased and the remaining trustees, Messrs. Thomas Ronan and John Cooper, desire to relinquish their trust in favour of the Upper Chapman Road Board. To simplify the procedure of vesting the land in the road board, it is considered desirable to revest the land in Her Majesty as of her former estate with the intention that the land be reserved again for a showground, recreation and racecourse and vested in the Upper Chapman Road Board in trust for those purposes.

The next division is Clause 15, Reserve No. A.10887 at Perth. To provide for a site for an orchestral shell an area was selected within Class "A" Reserve No. 10887 which is set apart for the purpose of botanical gardens. The site has been surveyed as Perth Lot 768 to contain 5 and 3/10ths perches and is situated near the corner of Riverside Drive and Barrack-st. It is desired to authorise the use of this portion of the reserve for the purpose of an orchestral shell and to place it under the control of the City of Perth for a period not exceeding five years from the date of completion of the shell and subject to special conditions recommended by Cabinet and contained in the following letter signed by the Minister for Lands under date, the 20th November, 1951—

> Your letter of the 11th October requesting reconsideration of the conditions approved by Cabinet on the 24th September last and suggesting certain amendments, in connection with the use of the Supreme Court Gardens for the purpose of erecting a Jubilee Orchestral Shell, was considered at a meeting of Cabinet yesterday.
>
> Cabinet now agrees, subject to parliamentary approval by legislation, to the following conditions:—
>
> (1) Permission for five years to use Supreme Court Gardens for purposes of Orchestral Shell.
>
> (2) No performance or rehearsal to take place during the business hours of the Supreme Court.
>
> (3) Performances to be held not more often than at seven day intervals without the approval of the Minister for Lands; 1s. per person to be charged for all evening performances, and all daylight performances to be free.
>
> (4) Shell to be erected by the end of 1952 on a site to be approved by the Minister for Lands and to design similarly approved; otherwise this agreement to lapse.
>
> (5) Period of five years to commence when erection complete.
>
> (6) Agreement to be made with members of the Orchestral Shell Fund Committee, and to be signed by members of the Committee.

(7) Such agreement to provide that the lawns, grounds, shrubs, etc., shall be maintained in good order, and the grounds cleaned up after every performance. (It is not implied that the Shell Committee will be required to maintain the whole of the Supreme Court Gardens).

(8) £100 deposit to be lodged with the Treasury.

(9) No performance to take place between April 1st and September 30th in any year.

Other clauses usual in similar cases.

(10) At the end of five years, erections to be removed and all damage made good; but consideration could be given to extension at that time.

(11) No structures (seats or other) except the Shell itself to be erected.

(12) Subject to the proviso to No. 10 and to the extent of any extension granted thereunder, if the Committee desires to continue the performances, provision will be made in King's Park for a permanent Shell on a site and on conditions approved by the King's Park Board and the Minister for Lands.

The next division is Clause 16, Reserve No. A.3078, Hay-st., Subiaco. Perth Town Lot 186 of 3 roods, 26.8 perches, is the sole remaining portion of Reserve No. A.3078 which was set apart for the purpose of public buildings in 1895. The main portion of the original reserve now comprises the reserves occupied by the Princess Margaret Hospital for Children Incorporated. In 1915, Cabinet approved of Lot 186 being added to the Children's Hospital Reserve, but, through an oversight, no action was taken to amend the reserves. Substantial hospital buildings have been erected on the land and it is necessary to include it in the main hospital Reserve No. 6052.

Clause 17 relates to Reserve No. A.5183 at Subiaco. The City of Subiaco proposes to establish a civic centre on Reserve A.5183 which is at present vested in the municipality in trust for the purpose of public recreation subject to special conditions protecting the natural timber and requiring the Governor's approval of any proposed improvements. It was also provided that the reserve was to be available for the use of school children, and that it was not to be laid out as a football ground, bowling green or tennis courts or otherwise to the exclusion of school children and the general public. Authority is sought to change the purpose of the reserve from recreation to civic centre, with the intention that the reserve will be vested in the City of Subiaco in trust for the purpose of a civic centre.

Clause 18 refers to Reserve No. A.5691. The old school quarters erected on portion of the Subiaco school site are no longer required by the Education Department, but the building is suitable for the purpose of an infant health clinic, which the City of Subiaco desires to establish. Arrangements have been made with the Public Works Department for the council to acquire the building for £1,700, and upon excision of the site from the Class "A" school site reserve it is proposed that a new reserve be declared for an infant health clinic to be vested in the City of Subiaco in trust for that purpose.

Clause 19 relates to Reserve No. 10878, Churchill Avenue, Subiaco. In 1907, portion of Perth Suburban Lot 209 being Lot 20 on Land Titles Office Plan No. 419, was resumed by the Public Works Department for the Subiaco Municipality for the purpose of connecting Perth-st. and Churchill Avenue. The fee simple of the land is registered in the name of the Subiaco Municipality, but the lot has been shown on official plans as part of Reserve 10878 for drainage. As the width of the lot is only 63.1 links it was not possible to dedicate this land as a public road under the Municipal Corporations Act as Section 225 provided that the road must be at least one chain wide. The City of Subiaco desires that this lot which is only 2 chains 12.1 links long, and which is actually portion of the constructed roadway known as Churchill Avenue, be dedicated as a public highway.

Clause 20 covers Reserve No. A.11530 at Darlington. This reserve south of the railway at Darlington was set apart for recreation purposes but has not been developed as it is not regarded as being entirely suitable for its purpose owing to the rugged nature of the ground. The Mundaring Road Board in which the reserve is vested agreed to an area of one-quarter acre in the north-west corner of the reserve being made available for a kindergarten site, and it is proposed to create a separate reserve for the purpose. It is also proposed to make arangements for the use of portion of the reserve as a camping ground for boy scouts. Cancellation of the reserve is required to enable the land to be subdivided for the purpose of creating three separate reserves, one for a kindergarten site and two for recreation.

Clause 21 deals with Reserve No. 8746 at Waroona. The Commonwealth of Australia is already using as an army training depot portions of Reserve No. 8746 at Waroona, which is set apart for the purposes of recreation and the Drakes-

brook Road Board, in which the reserve is vested, required authority to enter into an agreement with the Commonwealth to lease the portions of the reserve. The use of the reserve as an army training depot will not prevent its use for recreation purposes. The Commonwealth has asked for a lease for one year, with right of renewal. This clause proposes that authority be given for the leasing of portions of the reserve for such period and under such conditions as the Governor may approve.

Clause 22 refers to portion of Reserve No. A.1720, King's Park, Perth. The members of the board appointed under the provisions of the Parks and Reserves Act to control and manage King's Park desire to arrange a lease of the tea-rooms site to give the present tenant some security of tenure for an extended period in return for which he is prepared to undertake extensive additions to the existing tea-rooms which the board itself is unable to finance. The tea-rooms provide a first-class and necessary amenity in the park, and authority is sought by the members of the board to enable them to grant a lease not exceeding 21 years.

Clause 23 deals with Fremantle Town Lot 1537. The Fremantle Chamber of Commerce holds an estate in fee simple in Fremantle Town Lot 1537 upon trust solely for Chamber of Commerce purposes. The lot was not specifically reserved for the purpose before the Crown Grant was issued in 1911, but it was granted by way of exchange for Fremantle Lot 1374, which had been set apart in 1874 as Reserve No. 115 for the purposes of a Chamber of Commerce which lot was duly surrendered to the Crown. At the time of the exchange, no amendment of the existing Reserve No. 115 was gazetted. The Fremantle Chamber of Commerce found it necessary to obtain financial assistance on the security of a mortgage over the land and, to safeguard the interests of the mortgagee in case of default under the mortgage, it is necessary to remove any doubts as to the rights of a mortgagee in respect of exercising the power of sale under the mortgage. It is proposed that the authority to mortgage be confirmed by Parliament, and that the provisions of Section 3 3(5) of the Land Act, 1933-1950, be applied to the land as though it had been reserved pursuant to the Act.

Clause 24 deals with Reserve No. A.18324 at Mt. Lawley. Owing to rapid development of the area known as the No. 3 Estate at Mt. Lawley, it is necessary to provide school facilities in this area. The only available Crown land in the vicinity comprises an undeveloped recreation reserve, portion of which is not entirely suitable for the purpose of recreation owing to its elevated position. It is proposed to excise from the reserve an area of about 12¼ acres, from which the school site will be provided. The Perth Road Board, in which the reserve is vested, may wish to provide a small section in the southern corner of the reserve, south of the proposed school site, for the purpose of recreation, park, gardens or playground; a matter yet to be decided. The clause therefore provides that the land to be excised from Reserve 18324 be reserved for the purpose of a school site, or for such other purpose as the Governor may approve.

The last clause is No 25. which refers to Reserve No. A.16713, Rottnest Island. The Commonwealth of Australia desires to acquire an area of 4 acres, 1 rood, 4 perches adjoining the main lighthouse reserve on Rottnest Island. The land required has been surveyed as Swan Location 5363, and has been in use for defence purposes for some years. As Reserve No. 16713 is classified as A. class and set apart for the purpose of recreation, it is not possible for the Commonwealth to compulsorily acquire portion of that reserve. It is necessary that parliamentary authority be obtained to the excision of the land No. 5363 from the reserve, so that it will be available for acquisition by the Commonwealth for defence purposes. I move—

That the Bill be now read a second time.

On motion by Hon. F. R. H. Lavery, debate adjourned.

## ADJOURNMENT—SPECIAL.

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland): I move—

That the House at its rising adjourn till 2.30 p.m. today.

Question put and passed.

*House adjourned at 12.21 a.m. (Wednesday).*