and not on the young people to apply for one. They have already been citizens until reaching the age of 21.

Mr. Lewis: They are still citizens, although they have to get a certificate.

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

Ayes—22

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Keal	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. R. May
	(Teller)

Noes—23

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Guthrie	Mr. O'Neil
Mr. Hart	*(Teller)*

Pairs

Ayes	Noes
Mr. J. Hegney	Dr. Henn
Mr. Curran	Mr. Hearman

Majority against—1.

Amendment thus negatived.

Mr. LEWIS: I seek your guidance, Mr. Chairman. I desire to move the first amendment to clause 2—namely, in line 14—on the notice paper in my name.

The CHAIRMAN (Mr. I. W. Manning): That is not possible. The Minister will have to move his next amendment; namely, to line 17. We have dealt with lines up to and including line 16. However, if the Minister so desires, he may recommit the Bill before the report is adopted, for the purpose of dealing with his amendment to line 14.

Mr. LEWIS: Very well, Mr. Chairman. I move an amendment—

> Page 2, line 17—Delete the words "a Board to which" and substitute the words "the Superintendent to whom".

Amendment put and passed.

The clause was further amended, on motions by Mr. Lewis, as follows:—

> Page 2, lines 23 and 24—Delete the words "the hands of the members of the Board" and substitute the words "his hand".
>
> Page 2, line 26—Insert after the word "shall" the words "bear the signature of that person or if he is unable to write shall".
>
> Page 2, line 33—Delete the word "Board" and substitute the word "Superintendent".
>
> Page 2, line 35—Insert after subsection (3) the following new subsection:—
>
> (4) In this section "Superintendent" means any person for the time being holding an office of Superintendent in the Department of Native Welfare established under the Native Welfare Act, 1963.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by Mr. Lewis (Minister for Native Welfare), for the further consideration of clause 2.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Lewis (Minister for Native Welfare) in charge of the Bill.

Clause 2: Section 5A added—

Mr. LEWIS: I move an amendment—

> Page 2, line 14—Delete the words "a Board having jurisdiction" and substitute the words "the Superintendent".

Amendment put and passed.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

House adjourned at 11.17 p.m.

Legislative Council

Wednesday, the 4th November, 1964

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CONTENTS—*continued*

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (2): ASSENT

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

1. Electoral Act Amendment Bill.
2. Offenders Probation and Parole Act Amendment Bill.

PRESIDENT'S BIRTHDAY

Acknowledgment by Members

The HON. A. F. GRIFFITH: I would like to direct a question to you, Mr. President, without notice. Would you receive from me, and from my colleague (The Minister for Local Government), the Leader of the Opposition, and honourable members of this House our best wishes for a happy birthday, as we understand that your birthday falls on this day?

The PRESIDENT (The Hon. L. C. Diver): I sincerely thank the Minister, the Leader of the Opposition, and honourable members for their good wishes. It is indeed pleasing to receive greetings on such a day.

QUESTIONS ON NOTICE

DRILLING FOR GOLD

Departmental Activities in 1964

1. The Hon. D. P. DELLAR asked the Minister for Mines:

(1) With respect to drilling for gold in the year ended the 30th June, 1964—

(a) How many drills were used by the Mines Department for this purpose?

(b) What was the footage drilled?

(c) What were the locations of holes drilled?

(d) Were any encouraging results obtained?

(e) What expenditure was incurred?

Departmental Programme for 1964-65

(2) Has the Mines Department a programme drawn up for the 1964-1965 financial year?

The Hon. A. F. GRIFFITH replied:

(1) No Mines Department drills have been in use drilling for gold in the year ended the 30th June, 1964, as no applications for drilling assistance were received, nor were there any known areas where satisfactory results might be expected.

(2) No programme has yet been drawn up for the financial year 1964-65, but the Government is most anxious to assist where drilling would provide valuable information. Regional and group geological surveys are being carried out by the Geological Survey Branch and any suitable prospects found may be tested by drilling.

FISHERMEN'S WHARF AT FREMANTLE

Weighing Facilities

2. The Hon. R. THOMPSON asked the Minister for Mines:

With reference to my question on Thursday, the 29th October, 1964, relating to the fishermen's wharf, will the Minister advise where facilities will be established within the harbour for the weighing of crayfish, as some processors have no facilities at present?

The Hon. A. F. GRIFFITH replied:

Several organisations have existing facilities on the old breakwater and concrete jetties for the receiving and weighing of crayfish. These have satisfactorily catered for all boats discharging crayfish in the harbour during

previous seasons and it is considered that they are adequate for the approaching season.

There are no fuelling facilities at the new breakwater wharf and all boats will have to go to one of the other two jetties to take fuel. This is normally done while crayfish are being unloaded so no boat owners should be delayed or inconvenienced by the lack of weighing facilities at the new wharf.

New processors who have no facilities at the present time should apply to the Harbour and Light Department for space to install same.

DRUNKEN DRIVING

Increase in Penalties

3. The Hon. J. D. TEAHAN asked the Minister for Justice:

In view of the alarming number of drunken driving charges in our police courts, and bearing in mind the comments of magistrates—

(a) Has consideration been given to increasing the penalties for such offences?

(b) If the answer to (a) is "Yes", when is such action contemplated?

The Hon. A. F. GRIFFITH replied:

(a) It is not proposed to increase the penalties already provided as they are considered adequate. These are as follows:—

	Fine, Imprisonment	Suspension of Licence
First offence	£50 or 3 months	3 months
Second offence	£100 or 6 months	12 months
Third offence	£200 or 12 months	For life
Fourth or subsequent offence	Imprisonment for 3 years	

(b) Answered by (a).

NATIVE SETTLEMENT

Establishment on Carson River Pastoral Leases

4. The Hon. F. J. S. WISE (for The Hon. H. C. Strickland) asked the Minister for Local Government:

What stage has been reached towards my suggestion that Carson River pastoral leases in North Kimberley should be utilised for settlement of aborigines from the missions in the district?

The Hon. L. A. LOGAN replied:

The report of the pastoral inspector who visited the area is now with the Department of Lands and Surveys where a decision will be made on the future of this station. The honourable member will be informed of the decision when it has been made.

LEAVE OF ABSENCE

On motion by The Hon. F. J. S. Wise (Leader of the Opposition), leave of absence for six consecutive sittings granted to The Hon. W. F. Willesee on the ground of private business.

On motion by The Hon. J. Murray, leave of absence for six consecutive sittings granted to The Hon. C. R. Abbey on the ground of ill-health.

ELECTORAL ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

POISONS BILL

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.44 p.m.]: I move—

That the Bill be now read a third time.

During the course of the second reading debate the honourable Dr. Hislop raised a few points and I promised to obtain a reply for him. Dealing with the dental representation, the following is the report I received from the department:—

The purpose of this Bill is to control the sale of poisons so that the hazardous nature of each substance is clearly appreciated by the purchaser, and to endeavour to ensure that the purchaser is a suitable person to be in possession of such a poison.

The Advisory Committee is, therefore, selected to provide a body of persons best qualified to advise on the toxicity of varied substances and the means of controlling their sale and distribution. The committee is not a body representing users.

The addition of a dentist to this committee would, therefore, add nothing to what already exists.

The following is the reply to other points raised by the honourable Dr. Hislop:—

Diethylpropion. The scheduling of this drug is still under review by the Poisons Advisory Committee of the National Health and Medical Research Council. The present recommendation of that committee is that the drug be placed on schedule 4 because of evidence of habituation and because of the more effective use that can be made of it under medical supervision.

Lucofen is also in schedule 4 under the name of its active substance Chlorphentermine.

The Advisory Committee's authority, and the machinery for altering schedules, are given in clauses 19 and 21.

Antihistamines are sold on prescription only, except for small packages of 10 doses for prevention of travel sickness. These may be purchased at a pharmacist under schedule 3.

It is the normal procedure for the A.M.A. Branch Council to refer requests for specialist nominations to specialist groups.

Clause 20 (c). By regulation third schedule substances will be sold by pharmacists only.

Ephedra. Cough medicines containing ephedrine will come within schedule 3 and will be sold by pharmacists only. The desirability of allowing such cough medicines to be sold under schedule 2 will be a matter for discussion by the advisory committee once it is formed, and before the Act is proclaimed.

The department has even given me a reply to the facetious interjection on nicotine made by the honourable Mr. Wise, and this reads as follows:—

Nicotine in different concentrations appears in schedules 5 and 6. In both instances there is a reference to tobacco which excludes nicotine in that form being classified as a poison.

The Hon. F. J. S. Wise: It's nice to be taken seriously, anyway.

The Hon. L. A. LOGAN: I commend the Bill to the House.

Question put and passed.

Bill read a third time and passed.

REAL PROPERTY (FOREIGN GOVERNMENTS) ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland —Minister for Local Government) [4.48 p.m.]: I move—

That the Bill be now read a second time.

Under the Real Property (Foreign Governments) Act, the government of a foreign state cannot be registered as the owner of land in excess of five acres other than with the approval of Parliament. Such approval is now being sought with respect to a limited area in a specified townsite and related to a specific project. Land is defined in the parent Act as any estate or interest in land.

The United States Naval Communications Station now in the course of construction at North West Cape and referred to as the V.L.F. station is being established under agreement between Australian and United States Government Treaty Series, 1963, No. 16, which entered into force on the 28th June, 1963. Technical arrangements implementing what is now referred to as the project agreement are being made by the Department of Defence and the Department of the Navy representing the Australian and the United States Governments, respectively.

The land for the very low frequency station, itself, was acquired by the Commonwealth and made available to the United States Government at a peppercorn rental. An area of 18,000 acres was involved. It was acquired by the Commonwealth with appropriate compensation to pastoralists concerned. Agreement has been reached that the United States family units should be located within the township of Exmouth rather than at the station area. Unmarried personnel will, however, be accommodated in barracks within the area.

The Commonwealth could be called upon to acquire the necessary land within the townsite under the project agreement. The view is held, however, by both Commonwealth and State that United States land requirements within the townsite should be the subject of a separate lease between the State Government and the United States Government. The United States Navy has the necessary approval to proceed on this basis. The United States will spend approximately £33,000,000 on the project as a whole and this includes £1,500,000 within the townsite.

As the government of a foreign State cannot be registered as the owner of land in excess of five acres other than with the approval of Parliament, this Bill is presented with a view to amendment of the Real Property (Foreign Governments) Act to enable the Government to lease a sufficient area of land within the townsite of Exmouth to the United States of America. The Bill increases the limit in this particular instance to 100 acres. This area is fixed on the understanding that no more than is necessary for the reasonable needs of the project will be released. The initial figure is 35 acres of the total townsite area of 1,100 acres approximately.

The Governor is authorised under section 117 of the Land Act to lease any town, suburban, or village lands on such terms as he may think fit. An agreement will accordingly be drawn up by the Crown Law Department and its duration will be from the date this amending Act comes into operation and for such time as the project agreement remains in force. This latter agreement came into force on the 28th June, 1963, and is for a period of 25 years and thereafter until the expiration of 180 days' notice by either government.

The grant of rights will permit the United States Government to enter upon and use the land for specific purposes shown in a schedule, or other purposes agreed to from time to time, but will not

in any way transfer sovereignty over, or title to, the leased land to the United States Government.

A peppercorn rental will be charged and the lease will be non-ratable as applies with the land leased by the Commonwealth to the United States Government. The United States will, however, meet the cost of all specific services by the State, its instrumentalities or the Shire of Exmouth, and, one way or another, make some contribution towards the cost of community services normally covered by general rates.

A contract will be let early in 1965 by the United States Navy for approximately 130 houses for completion over a period of 12 months. The lease will contain usual maintenance provisions, including periodic painting and restriction of health and other nuisances. The lease will also include conditions favourable to the State covering ownership of fixed property when the project agreement ceases to remain in force.

The Defence Department is the co-operating Australian agency named in the project agreement. The Commonwealth Co-Ordinating Committee, V.L.F. Project, consists of Mr. G. E. Blakers, Deputy Secretary, Department of Defence, as chairman, and representatives of the following government departments:—Prime Minister, External Affairs, National Development, Treasury, Trade, Customs, Taxation, and Attorney-General.

The State Executive, Exmouth Development, consists of Mr. F. Gregson, Treasury, who will be chairman; Mr. D. C. Munro, Chief Engineer, Public Works; and Lieutenant-Colonel J. K. Murdoch in his capacity of Commissioner, Shire of Exmouth. Lieutenant-Colonel Murdoch is Civil Commissioner, Exmouth, and on-site representative of both the Commonwealth and State Governments. The State committee has power to co-opt and is drawing freely on the officers in various departments. Close co-operation is maintained between the Commonwealth and State committees.

United States Navy Commander Czerwenka is the commander-designate of the V.L.F. station. He is at present located at Canberra but has paid several visits to Perth and will probably transfer here about January next. United States Captain Maley is located in Perth, and is the officer-in-charge of construction for the station.

The land agency arrangement agreement covering terms of occupation and use of the Commonwealth land and the seaward area at Port Murat is still under negotiation between the United States Navy and the Commonwealth Defence Department.

All services in the townsite—including roads, water supply, electricity, sewerage, school, hospital, police station, and some shire buildings—are being provided jointly by the State and Commonwealth. Half of the cost is coming from State loan funds and half from Commonwealth grant with a limit on the grant of £565,000. Limited provision is made within this total of £1,130,000 for some housing for government employees and some for rental. The United States Navy has indicated that the station may employ up to 200 Australian workmen if available. Some 50 or 60 houses, depending on unit costs, may be sponsored from these funds.

The target date for commissioning the V.L.F. station is July, 1966. The committee aims to complete its programme of work before that date. The Government considers this to be a vital measure. Hence the urgency attached to the passing of this Bill, because the United States Navy is ready to proceed with the project; but until Parliament gives its approval it cannot do so.

In the general interests of Australia and the defence of Australia, and in co-operation with the United States of America, it is requested that this House give agreement to the Bill as quickly as possible.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from 28th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [4.55 p.m.]: On first looking at the Bill I thought there had been some material changes made and benefits granted to the workers in Western Australia, but other than the provision which gives coverage in respect of travelling to and from work, and the pneumoconiosis clause, I do not see much difference between the Bill and what applies at present. In some respects the Bill limits what is now in the Act.

I was amazed when listening to the Minister's introduction—a very short introduction—that he did not quote references from anywhere else in Australia showing where this or that provision came from. I realise he was in an awkward position, because nowhere in his speech or in the Bill does the measure come up to the standard of what applies in what I would term the average State, or in the Commonwealth of Australia.

The Hon. A. F. Griffith: Did you say, "Nowhere"?

The Hon. R. THOMPSON: Nowhere in the Bill does it come up to what applies in the standard States or the Commonwealth of Australia. I will deal with that point as I go along.

Firstly, the Minister said that three groups comprising employers, employees, and the public generally were taken into consideration and that the views of the three groups had been ascertained. It was not necessary for the views of the Trades and Labour Council to be ascertained, because it had submitted to the responsible Minister a 20-page document many months ago. A committee was set up in April, 1963, to study the Workers' Compensation Act and the amendments that should be brought down. The report was made in that month, and at some later date it was presented to the Minister. After many attempts the committee was successful in meeting the Minister to discuss the items in the report; but hardly anywhere in the Bill do we find that the views of the Trades and Labour Council have been taken into consideration.

The figure set by the committee for total disability or death is £5,000. Yet we find the Bill sets a limit of £3,500. If we look at the position constructively, we find that under the Act at present there is provision for a 2½ per cent. natural increase and that, together with adjustments to the basic wage, results in a figure for total and permanent disability payments, or for death, of £3,866.

With the latest basic wage increase that was granted by the Industrial Commission and with the upward cost-of-living adjustment made last week, it is found that the natural increase as a result of that 2½ per cent. provision brings the compensation figure to a total of £3,506, which is £6 more than the figure provided in the Bill. So although on paper it may appear that there has been an increase in accordance with the Bill, in fact no increase whatsoever has been made.

As I have said, with the natural adjustment resulting from the 2½ per cent. provision, the widow of a deceased worker would receive £3,506 but if the Bill is passed the amount will be pegged at £3,500. Initially, when I read the Bill, I thought improvements had been affected; that is, improvements which we have been seeking by our representations over the years and by past amendments to the Act in an endeavour to bring the Western Australian figures up to the level of the amounts provided by legislation in other States.

This Bill reminds one of a prickly pear; the more one examines it, the more it prickles.

The Hon. H. K. Watson: Any particular part of the anatomy?

The Hon. R. THOMPSON: It would not matter where one hurt oneself according to the provisions of this Bill.

The Hon. J. Dolan: Even the heart is affected.

The Hon. R. THOMPSON: In the speech made by the Minister he said the Government was trying to bring forward balanced compensation payments in Western Australia, although not quite as high as they are in some of the Eastern States. That is perfectly true; in this Bill they are not as high as those provided in the Eastern States. In fact there are only two States which provide lower amounts, and only in some respects are they less. Generally, the Victorian Workers' Compensation Act is not a very good one, but at least it contains some provisions which are more beneficial to the workers than the provisions which are to be applied to the workers in this State under this Bill. The Minister went on to say—

> It will be realised that these higher payments will have the effect of increasing the premiums for workers' compensation, and it is hoped that it is within the capacity of industry to bear without too big an impact.

I agree with that. There is no reason why there should be any increased payments by industry to cover what is provided in the Bill, because nothing is being given away by it; the *status quo* remains. Therefore there will be no increased payments. If there were any substantial improvements afforded by the Bill the insurance companies could well afford to meet the additional cost, because of the profits they are making.

Further on I will point out that all insurance companies operate on a 70 per cent. claims margin, and a 30 per cent. margin of profit and administration charges. Yet last year the total administration charges for the State Government Insurance Office were 8 per cent. Although the figure of 70 per cent. is the accepted one, that figure has never yet been reached. The claims that have been made will prove that. If the State Government Insurance Office can meet the necessary claims for compensation on the basis of 8 per cent. for administration charges, it shows the colossal profits that are being made not only by the private insurance companies, but also by the State Government Insurance Office.

Before I commence quoting tables, I would like to ask the Minister—

The Hon. A. F. Griffith: Before you do that, would you clarify what you said about the State Government Insurance Office charges?

The Hon. R. THOMPSON: Its administration charges were 8 per cent. The Minister can check that in its balance sheet for last year. There is a 30 per cent. allowance made by the insurance companies for administration charges and profits,

which makes a 70 per cent. payout on claims for compensation. However, as I have said, the figure of 70 per cent. has never yet been reached according to the facts and figures I have been able to peruse.

The Hon. A. F. Griffith: What about pneumoconiosis benefits? Do you think they will cost them more?

The Hon. R. THOMPSON: I will not deal with the pneumoconiosis question because, firstly, I find difficulty in pronouncing the word; and, secondly, because the honourable Mr. Heenan and the honourable Mr. Stubbs will be handling that side of the matter.

The Hon. G. C. MacKinnon: Would you speak up please?

The Hon. R. THOMPSON: That is something outside my field, and in view of the fact that those honourable members have an extensive knowledge of the gold mining industry, and the diseases and hardships suffered by workers in that part of the State, I think it would be wrong if I dealt with the question. I intend to deal only with the cases that occur mainly in the metropolitan area. The first amendment I have on the notice paper relates to the to-and-from clause which, thankfully, has been included in this Bill. Nevertheless, I wish to move an amendment to the clause in Committee.

At this point I would like to ask the Minister if he could clarify something for me. Three years ago, following a dispute between the State Electricity Commission and its employees, Commissioner Schnaars—at that time—ruled that workers travelling home on the employer's truck from Wagin to Bunbury, and also on the return journey, for which travelling time was not paid, would be covered by the compensation provisions then existing. The question I want to ask the Minister—I realise he is not the Minister administering the Act—is whether the proposed clause in this Bill will invalidate the ruling given by the commissioner at that time. I would like the Minister to give me an answer to that question because it will have a bearing on the amendment I propose to move.

The Hon. A. F. Griffith: You are asking if it would be invalidated?

The Hon. R. THOMPSON: Yes. Earlier I said I was not happy with the Western Australian compensation Act in its present form, and that I would not be happy with it in its amended form when this Bill is passed. It is considerably lagging behind the New South Wales and Tasmanian legislation, and it is even lagging behind the Victorian Act. In Australia there are no less than 10 Acts and ordinances containing workers' compensation provisions. In this State there are three different Acts covering various categories of workers who may, unfortunately, be injured in the course of their employment.

It is accepted that the differences between the various State Acts have been acknowledged by the Commonwealth Government. The inadequacy of our State Act has been accepted, and Industrial Development Minister Court, in referring to the request of the Norseman branch of the Liberal Party, advised that legislation would be enacted to amend the Western Australian Act during the current session of Parliament.

During the life of the present coalition Government—that is, since March, 1959—there have have been only four minor amendments. Two of the amendments became operative in 1960, one in 1961, and the final one in December, 1963. The principal amendments related to diseases, and an increase in the medical and hospital provisions. Apart from these items, no other attempt has been made to amend the Act during the past six years.

The attitude of the Commonwealth Government to workers' compensation has been the subject of Federal Budget consideration. On the 11th August, 1954, the Federal Treasurer (Mr. H. Holt, M.H.R.), announced that substantial amendments to the Commonwealth Act—which will undoubtedly flow to other Ordinances and Acts—will be programmed during the current session of the Federal Parliament. This promise has been confirmed by the Prime Minister in a letter dated the 17th September, 1964, which I believe was a reply to the letter forwarded by the A.C.T.U. It reads as follows:—

> In the absence of the Treasurer overseas, I acknowledge your letter of 27th August, 1964, regarding the proposed amendments to the Commonwealth Employees' Compensation Act, 1930-1962. The proposals were announced in the Treasurer's Budget Speech in the following terms:—
>
> > "Legislation will be brought down to increase the benefits provided under the Commonwealth Employees' Compensation Act, 1930-1962, which have not been varied since 1959. The basic lump sum payable to dependants upon the death of a Commonwealth employee will be increased from £3,000 to £4,300 and the additional amount of £100 payable in respect of each child under 16 years of age will be replaced by a provision for weekly payments until the child reaches 16 years of age, subject to a minimum total payment of £100. The rates of weekly payments for incapacity will be increased from £10 to £11 11s. for an unmarried employee and from £13 12s. 6d. to £15 8s. for a married man with a wife and one

child. The cost of these increases is estimated to be £200,000 for a full year."

The necessary amending legislation is at present being drafted with a view to its introduction during the current session of Parliament.

I would say that the Workers' Compensation Board in Western Australia, and even the Government of this State, would have knowledge of this impending Commonwealth legislation. Honourable members will know that in New South Wales the amount of compensation paid to the dependant of a deceased worker is £4,300, with an additional amount of £2 3s. per week for each child under the age of 16 years.

In Western Australia our maximum will be £3,500, plus £100 for each child. For a married man with a wife and one child, the Commonwealth proposes to pay £15 6s. weekly, and yet in Western Australia a man with two children receives 2s. less than that. A single worker will receive from the Commonwealth £11 11s., which is far superior to what a similar worker in this State will receive. Therefore, in view of the submission by Sir Robert Menzies, and a covering letter by Mr. Harold Holt pointing out the same figures, the legislation we have before us, when compared with the Acts of New South Wales, Queensland, and Tasmania, will put us virtually at the bottom of the scale. As I said before, Victoria does not have a very good Workers' Compenstaion Act, but I am told it is being redrafted at the present time and amendments will be brought down shortly.

The Hon. A. F. Griffith: What do you expect the maximum to be in that case?

The Hon. R. THOMPSON: I would expect the maximum to be in line with the Commonwealth, New South Wales, and Tasmanian Acts; and we hope our proposed amendments will bring this measure also into line—that is, £4,300, and £2 3s. weekly to children under 16 years in case of death; and in the case of a totally and permanently incapacitated worker, the children should be taken into consideration rather than be given the miserly amount of £100. I will produce a table in a minute which will support that contention.

It appears from the Prime Minister's report that the Federal Government will seek broadly the existing New South Wales level of compensation. The amounts specified certainly confirm this contention. The New South Wales and Tasmanian Acts are similar in benefits, although Tasmania not unlike Western Australia is a claimant State, Legislation is being programmed by the Victorian Government, as I said previously.

One should confidently expect that in view of the Western Australian Government's recent basic wage policy, its proposed Bill should, under no circumstances, return a less favourable benefit than that applying, or about to apply, to Commonwealth workers, of whom there are 13,200 employed in this State.

Will the Government have one policy in respect of the basic wage and a different policy equally as important in respect of workers unfortunately injured in the course of their employment? We know what happened in regard to the basic wage hearing. Before the Industrial Commissioners sat, the Government declared it would support the Federal basic wage. The Government eventually woke up to the fact that it should not have done this and it apologised to the court for having made a statement which prejudiced the Industrial Commissioners in regard to their making up their minds in this respect.

I would say the Government has proved that it has no concern for the workers of Western Australia, because, if it did, it would have been consistent in its outlook. It made a public statement that it would support the level of the Commonwealth basic wage, yet it will not support the level of Commonwealth workers' compensation. This Government is offering some £800 less.

In order to appreciate the differences between the various Acts, the Minister was supplied with the Commonwealth Department of Works conspectus on Workers' Compensation Acts in Australia as at the 1st January, 1964. This summary is of importance, particularly when it refers to the extensive amendments made in Tasmania during 1963. They are contained in the document I have here. To a lesser extent the publishers of *The Australian Insurance and Banking Record* have compiled a four-page comparison. If anyone cares to look at the comparison that was drawn up by this body, they will see it proves that what I am saying is completely true. It was drawn up by the publishers of *The Australian Insurance and Banking Record*; and I feel sure that every honourable member in this Chamber would accept that body as being one that would be quite truthful as far as workers' compensation is concerned.

The Government, having knowledge of the Commonwealth moves, should not, by the earlier introduction of its Bill, have caused inferior variations to the Western Australian Act; and this immeasurably strengthens one's criticism of the Government's basic wage policy. I cannot find any reason why workers in Western Australia should be paid lower compensation benefits than those operating, or about to operate, elsewhere in Australia.

To appreciate the position one must accept the Australia-wide pattern, namely, that in respect of workers' compensation premium fixation by the independent premium rates committees, a 70

per cent. loss ratio has been adopted. In other words, 70 per cent. of premiums collected is expected to be paid on claims, leaving 30 per cent. gross profit from which administration and net profit are secured. Noting that workers' compensation insurance is compulsory, a 30 per cent. guaranteed working profit is regarded as substantial. I will refer to this in greater detail further on.

One must consider also the Premier's statement headed "Political Notes" and appearing in *The West Australian* of the 27th September, 1962. Two points arise—

(1) A promise to implement changes to the Act in 1963.

Except for extensions to the limits of medical and hospital expenses, no other variations were made last year—

(2) That premiums should not be that high that some concerns are forced out of business.

When dealing with the Companies Act Amendment Bill last night, the honourable Mr. Watson made some reference to firms getting into difficulties.

I submit that concerns unable to pay reasonable premiums should not be trading; and, secondly, that since 1949 when the present Workers' Compensation Board was formed, the majority of the major trading concerns have had their premium rates slashed. Certainly since 1962 industry has contributed far in excess of its normal rates, thus now enabling insurers to meet without added cost to industry the greater part of the cost.

The Western Australian premium cost for every £100 of wages and salaries has, since 1949, dramatically reduced from £1 14s. 7d. to £1 9s. 8d. With the proposed further decreases to industry it is anticipated that the cost for £100 of wages and salaries will decrease to £1 7s. 9d. Compare this with the New South Wales and Victorian rates where industry in 1963 in New South Wales paid £1 18s. 7d. and in Victoria in 1962, £1 9s. 5d.

The cost of claims resulting from injuries received going to and from work in New South Wales in 1963 was merely 6.26 per cent. of accidents, whilst the figure in Queensland was only 2.81 per cent. The difference can be attributed to the less distance and time spent in travelling in Queensland. Western Australia could, on these figures, expect an increase in claims of no more than 3 per cent.

The cost limits in respect of hospital, medical, and ambulance services in New South Wales and Victoria do not apply. Although in June 1963 the Western Australian limit was £450—it is now increased to £675—Western Australian insurers' payouts were more than 11 per cent. higher than New South Wales; that is, nearly double. This situation in Western Australia is alarming to say the least and certainly does not support the theory that limits reduce such costs. At any rate, why should a seriously injured person suffering from months of incapacity be called upon to pay from compensation payments hospital and medical expenses incurred in excess of the limits?

The amendment I propose would allow the Workers' Compensation Board to approve of reasonable hospital and medical payments in excess of the existing limits and is considered to be extremely fair.

These cases are rare. They would not happen weekly; possibly they would come up two or three time a year. They are cases where a worker has a serious accident as a result of which he could be permanently totally, or permanently partially incapacitated, and the added costs he would incur over and above the present limit would be deducted from his compensation payments. As I said previously, that is not the position in other States. It is unfair and should not apply here, particularly as we have the vastest State in Australia. We have been told that projects are to be commenced in the north-west; and, unfortunately, with all projects there are accidents.

There is no provision in our Act at the present time for the provision of an air ambulance. Two years ago we tried to have this provision inserted in a Bill that was then before the House, but it was rejected. Therefore I think due consideration should be given to my proposed amendment, which will allow for payments in excess of those in this Bill. A person who suffers a severe accident as a result of his employment in a remote area is at a disadvantage compared with a person who suffers a similar accident in the metropolitan area; because after leaving Geraldton I would think there would be no contact with modern hospital facilities.

There are hospitals in the north-west that can give some of the treatments needed, but from a doctor's point of view, there does not exist what is commonly needed in the case of serious accidents—the service of specialists. If one is in the area of Geraldton, that could be arranged; but if one is working out from Broome, Derby, Wyndham, or places hundreds of miles inland, specialist services are not available. Although hospitals in those areas provide the best of facilities for the treatment of local people, I do not think they are equipped to treat the outstanding cases of injuries which occur.

As the north develops we will find that accidents of this nature will occur. Workers will be denied specialist treatment which is necessary. They will have to be transported to Perth in order to receive those services, possibly at a later stage after some of their injuries have healed. In addition, in view of the high cost of hospitalisation in Western Australia, the

increases provided in this Bill will soon be swallowed up. Therefore in extreme cases there should not be a ceiling, and workers who are injured should not suffer any reduction from their total payments, and widows should not suffer any reduction of compensation payments for death.

Our Act is unfair, to say the least. When the Bill reaches the Committee stage we should give urgent consideration to lifting this ceiling. Earlier I quoted figures applying under the Commonwealth Act and under our own Act. If this amending legislation is passed a single worker will receive £10 18s. per week; a married worker, £13 15s.; and a married worker with one child, £14 9s. A married worker with two or more children will receive £15 6s. Under the Commonwealth Act a worker with one child who is living in Western Australia and who is injured in this State will receive 2s. more than a worker who comes under our own Act.

It is even more amazing when we realise that a married worker with one child will receive, under the Western Australian Act, £14 19s. A married worker with two children will receive £15 6s., a difference of 7s. I do not think anyone would be silly enough to say that a family could keep a child for 7s. a week. If there are more than two children, no additional payments are provided.

A single worker who is injured during the course of his employment will lose 51.3 per cent. of his wages. I am now quoting from figures supplied by the Government Statistician, who advises that the average weekly wage in Western Australia is £22 7s. 4d. As I have said, a single worker would lose 51.3 per cent. of his wages; a married worker, 38.5 per cent.; a married worker with one child, 33.2 per cent.; and a married worker with two or more dependent children, 31.6 per cent.

Bitter experience shows that it does not pay to go on compensation in Western Australia. Average weekly earnings should be considered when formulating compensation payments. In New South Wales and Queensland—and for those workers who come under the Commonwealth Act—the limit of weekly payments for a married man with five children amounts to his average weekly wage. I have that in black and white. The Minister may confirm this by reading the conspectus of compensation Acts throughout Australia. Such a man would receive an amount equal to his average weekly wage. However, in Western Australia he would receive a total of £15 6s.

Only yesterday I received a scale of workers' compensation premium rates applying in other States per £100 of wages paid. The scale deals with the categories of workers, and there are seven categories referred to. I refer firstly to carpenters. In Victoria, employers pay 124s. for each £100 of wages. In New South Wales, the figure is 118s. 6d.; in Queensland, 64s.; and in Western Australia, 65s. 1d.

The Hon. A. F. Griffith: Have you the figures for the other two States?

The Hon. R. THOMPSON: No. I do not think the other two States put out any figures. They are not listed here. For agricultural workers, the figure in New South Wales is 101s.; in Victoria, 74s. 6d.; in Queensland, 46s.; and in Western Australia, 45s. 11d. For a motor mechanic, in New South Wales the figure is 48s. 6d.; in Victoria, 35s. 6d.; in Queensland, 29s.; and in Western Australia, 34s. 10d. For workers employed at sawmills, the figure for New South Wales is 357s. 6d.; for Victoria, 197s. 6d.; for Queensland, 111s.; and for Western Australia, 128s. 9d. For workers employed in coalmining, the figure for Victoria is 210s.; for New South Wales, 200s.; for Queensland, 65s.; and for Western Australia, 109s. 2d. For workers employed in abattoirs, the figure for New South Wales is 181s.; for Victoria, 122s.; for Queensland, 65s.; and for Western Australia, 58s. 10d.

Honourable members will see from that scale that Western Australia runs parallel with Queensland, although the figures in some cases are slightly higher, and in others slightly lower. The table for Queensland is dark coloured; the table for Victoria is in a lighter shade; and that for New South Wales is the darkest one. Costs in Western Australia, compared with New South Wales and Victoria, are considerably less. Therefore we should be able to compete with the other States without any serious increase in cost to the insurer, and we should be able to bring our Act up to the level of those in other States.

I propose to confine most of my remarks to the Committee stage, because I realise that I have a considerable number of amendments to which I hope serious consideration will be given. Medical claims in Western Australia are high in comparison with those of New South Wales, and our payments for compensation are lower than those in any other State.

The New South Wales and Queensland Acts provide to-and-from work coverage. I submit that it will be necessary for us to increase compensation payments. This is a second-class Bill. Other Acts have a figure of £4,300, whereas the amount provided in our Bill is £6 less than the amount which was provided before the measure was introduced. There is only limited coverage so far as to-and-from work provision is concerned.

There are clauses in the Bill and sections in the Act which I propose to deal with in the Committee stage. However, according to section 7 of the Act, on page 74 of the principal Act, an ex-nuptial child is not entitled to compensation. This is the only Act in Australia where such a

provision applies. The Child Welfare Department, the Department of Social Services, and the Taxation Department recognise such a child. All other States recognise such a child; yet in Western Australia a person responsible for the care of such a child is not entitled to compensation payments.

I believe this is something which has been overlooked in the past. I sincerely hope it has been only overlooked; and I think the Government should have a serious look at this matter. It does not seem right that other government departments and other States should recognise this type of child, but Western Australia does not recognise him.

I will close my contribution to the debate by saying that I am disgusted with the particular sections I have mentioned. I would be pleased if an amendment were carried which would give a comprehensive cover to workers travelling to and from jobs in the country. I would also be glad if the schedule of payments was increased and brought into line with other States, and I would like to see the limits taken off in certain circumstances for hospitalisation. If, when we are in Committee we agree to these amendments, I think we can bring our Act into line with those in other States.

THE HON. R. F. HUTCHISON (Suburban) [5.46 p.m.]: I will not delay the House too long now, but I will have more to say during the Committee stage of this Bill. I am thinking of how the Labor members in this House, and the Labor Party in Western Australia, have, over the years, fought for justice for workers who are injured and who make claims under the Workers' Compensation Act. It has never been recognised that the worker is a human being, and the Act has never been just. The Government, in keeping with other moves it has made during this session and its present term of office, is at last giving way on the famous to-and-from clause. The to-and-from clause is known throughout Australia, and it is the clause which gives to the worker's dependants compensation if the worker is killed on his way to or from work. That compensation is now being granted by this Bill.

I well remember that one of my first speeches in this House, in 1954, was on a compensation Bill and I said the following words:—

> The clause covering a man travelling to and from work is a just one. I would say it applies to more than half the workers in the State now; so why should we deny it to the rest of industry?

Those who were covered worked under Federal awards. Each time the Labor Government has been in office it has brought forward a Bill for workers' compensation to improve the lot of the workers, and I have heard all the arguments for and against those Bills. Justice has never been done, and now that we have an election coming up the Government has come forward and is going to give half justice.

The Hon. R. Thompson: This one will not win a vote.

The Hon. R. F. HUTCHISON: The Government is going to give half justice to the worker who is injured while travelling to or from his place of employment.

The Hon. R. Thompson: This Bill will cost the Government votes; not win them.

The Hon. R. F. HUTCHISON: There is a terrible lot of pretence going on.

The Hon. A. F. Griffith: That is a different word; it is usually "camouflage."

The Hon. R. F. HUTCHISON: It is camouflage, just as, ever since I have been in this House, it has been camouflage on matters which mean so much to humanity at large. I think justice should be done, and we should err on the generous side for the worker who is injured at work, or while travelling to or from work.

We hear a lot about charitable bodies in this State and we think we have moved a long way towards justice for those who are hurt or injured. We have heard a lot of sob stuff spoken, but here is the crux of the matter. Justice should be done to the men who earn the wages and who have families to keep from week to week. That justice is not being done in this Bill.

I am disgusted to think that the sum of £3,500 spoken of in this Bill is only £700 more than the figure payable over 12 years ago. The amount was £2,800 in the Bill I spoke to in 1954. We know that the cost of living has risen and we know, too, that profits have risen. We know all these things and yet the worker, or his family, is being offered only £700 more if the breadwinner meets his death by injury at work.

I think it is about time we put first things first; and if a government will stand up and count itself as a government worth the name, this is where it should start—with the daily bread of the worker; with the daily bread of those who work in industry where the risks are a thousandfold more than when the worker had to walk, or ride a bicycle, or perhaps ride a horse. We are living in a machine age and the risks are a thousandfold more, yet there is nothing in this Bill to appropriately increase compensation to the worker. We are asked to receive this Bill and be glad about it. However, I am not glad about it. I have been here for 10 years and I have seen this House, without a Labor majority, defeat Bills which were for the benefit of the men in industry. That has happened year after year without even an apology.

I have heard some plausible things said on the medical side and on the industrial side and I say that any government should be ashamed to bring forward a Bill which gives so little recognition to the part the worker plays in filling the purses of the employers and the owners of industry. This is the Bill we are asked to receive and be satisfied and pleased with. At least a worker will be covered going to and returning from his work, and that is something. The Government has condescended to put that in print in the Bill.

I am still a rebel, and I say now is the time for us to wake up, and it is time our democracy went on to do justice for the thousands of workers without whom no industry could carry on. No wheels would turn without the workers, and the profits of industry depend on them and their loyalty and good character. We have seen the effect of the recent disastrous strike in industry, and the things which come about from injustices imposed by courts of law and by the powers that be. The members of the Government in this House can say yea or nay to this Bill. Those honourable members can please themselves what they say and the workers have to take it. The workers do not realise yet where the real power of the Government in Western Australia lies.

I am not very proud to be standing in this House today saying these things and fighting for justice for the workers. Since I first came here honourable members have heard me express my opinion many times. This workers' compensation Bill should be withdrawn and recast. Perhaps during the Committee stage we will move to increase the amounts payable for compensation.

I gave some figures on the 4th November, 1954, when speaking to a workers' compensation Bill. I have been perusing those figures, and in comparison I see that in 1963 the amount collected by the State Government Insurance Office—paid in by industry—was £2,844,016, and the claims for workers' compensation amounted to £2,107,756. So, we see that there is still a good margin of profit which could be handed on to the men who deserve it. The men who are hurt should be looked after.

I know the attitude of the Minister on the Government side of the House and I will listen with interest when he tries to vindicate his job. I am a bit sorry for him. The to-and-from clause in this Bill is whitewash to stop a reasonable rise being given in compensation to the workers in Western Australia.

The Hon. A. F. Griffith: You will be suspect if you show too friendly a hand to me.

The Hon. R. F. HUTCHISON: It is not a friendly hand. You are welcome to all the friendship you can find in that hand, because I am disgusted with this Bill. There is no bigger rebel in this State than I. The male members can be quieter, but I will claim my woman's privilege and say what I think. This Government needs to be sincere with this Bill, and I do not envy the Minister his task of trying to vindicate the paltry way that the Government in this State has brought this Bill down. I will have more to say during the Committee stage of the Bill.

THE HON. G. C. MacKINNON (South-West) [5.59 p.m.]: The Bill before us does not in any major way change the basic concept of the Workers' Compensation Act.

The Hon. R. F. Hutchison: You bet it doesn't.

The Hon. G. C. MACKINNON: The Workers' Compensation Act in this State has always been regarded as a particularly good Act.

The Hon. R. F. Hutchison: A poor relation of Australia, that's what we are.

The Hon. G. C. MACKINNON: Whether or not—

The Hon. A. F. Griffith: Whether or not the previous speaker was allowed to make her speech without interjection, it does not mean that you will get away with it, too.

The Hon. G. C. MACKINNON: Whether or not the amounts of the schedule are as high as everyone would like does not alter the fundamental fact that the Workers' Compensation Act has been regarded as—and in its framework still is—a model for workers' compensation Acts.

I have heard honourable members who owe allegiance to the A.L.P. state that very fact; and I am prepared to accept their word because I know that that is true. The parent Act was passed by this House when it had a far greater real majority of private enterprise members than it has today.

The Hon. R. F. Hutchison: I am glad you admit it has a brutal majority.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. G. C. MACKINNON: The concept of the Workers' Compensation Act is good and just, and in a little while I hope to present some views on what we might do if we were rewriting it today. I am not altogether sure it would be wise to do so, however, because over the years a considerable number of judgments have been given and these have formed a precept from which one can judge, with a fair amount of assurance, how a particular case may be handled.

Much of what has been said during the various debates which have taken place in this House on the question of workers' compensation has not placed sufficient

emphasis on the powers of the board. In fact quite extensive powers are set out in the Act and they are to be found in, I think, section 29, or one section towards the end of the Act. That section gives the board a considerable range of power and it sits as an administrative court of justice.

In this Bill are a couple of very real principles which affect the Act and which will, of course, affect the general life of the working man in this State; namely, the to-and-from clause and the one dealing with pneumoconiosis. The bulk of the rest of the Bill deals with variations to the amounts set down in the schedules and, as such, are always open to debate. Mr. President, how do you value a life?

The Hon. R. F. Hutchison: Not in the way you value it.

The PRESIDENT (The Hon. L. C. Diver): Order! I ask the honourable member to refrain from interjecting. She was given every consideration when she made her speech and I expect her, in turn, to give other honourable members the same consideration. The honourable Mr. MacKinnon may proceed.

The Hon. G. C. MacKINNON: Thank you, Mr. President. I will repeat that rhetorical question: Mr. President, how do you value a human life? How do you value an injury to a human? This is an extremely difficult matter and one which all of us would like to approach with the utmost sympathy. But this Act—and it is laid down very clearly, I think, in section 13—is an Act covering an arrangement of insurance whereby, fundamentally, an insurance proposition is entered into; and, as with all other types of insurance, it has a limit.

Under those circumstances, of course, an arbitary limit has to be set on the payments for various damages, injuries, and so forth. While I think all of us here are either spouses or parents, or both, and we all know that we could not set a value on the lives of those close to us, I think it should be borne in mind that we on this side—or let us say the Government—have a number of men who have had considerable experience on both sides of employer-employee relationship. I think it is fair to say that an analysis would show that we have men who have had experience, over a considerable range of positions, as employees, and who have also had considerable experience as employers.

I believe that to get a full and real appreciation of the problems of employer-employee relations one should have experience of both aspects; and within the parties that met to discuss this Bill, at their party meetings, we have men with that range of knowledge—a number of men. Mr. President, you would be aware, from your personal experience, that the idea of an employer being a cold-hearted, brutal, money-grubbing individual is as out of date as the dodo.

The Hon. R. F. Hutchison: I think that you—

The Hon. G. C. MacKINNON: I repeat: The idea that the employer of today is a cold-hearted, brutal, money-grubbing individual is as out of date as the dodo. I think all of us have met employers who have been faced with the prospect of having to discharge men because of economic conditions, or because of changes in plans. Also, I think many of us would be aware of the soul-searching those men undergo, and the real endeavours they make, and the lengths to which they will go to avoid such an action.

Employers today have a real appreciation of the situation of their workmen; because they have to get a work force and they want to keep their work force. I repeat: This is a proposition of insurance and it has to be governed within the limits of all the factors I have mentioned and they, of course, limit an insurance proposition. A number of factors had to be considered in the original framing of the Act and all the subsequent amendments which have been introduced. Actually today the remuneration of an employee can no longer be measured in terms of just the actual salary. It must, of course, be measured by the total cost to the employer involved and it encompasses such things as the wage itself, holidays, long service leave, the amenities provided—

The Hon. F. R. H. Lavery: You don't get those things while you are an injured worker. You don't get any of those things.

The Hon. G. C. MacKINNON: That is so. Workers' compensation also comes into the category I have just mentioned. The time was when any compensation or any insurance cover had to be met by the employee himself. This was, and quite rightly in my opinion, eventually taken by industry as a charge upon itself. But the moment that was done it became a charge for the labour force and therefore became part and parcel of, shall we say, the general income of or remuneration paid to an employee. If we continue to increase this cost then it must be passed on and must be borne by the very people whom we are trying to help.

If a man is producing bread and the price of his production is increased, then the cost to the consumer must go up. All those factors must be borne in mind; they are some of the limiting factors which must influence the minds of people who set the maximum figure which can be paid by way of compensation.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. G. C. MacKINNON: Before tea I was referring to a couple of matters which are included in the Bill, and I said

that two new principles were being introduced. On thinking over what I said I now realise that was not quite correct, and I would like to correct my statement.

The two matters—the journeying to-and-from provision and that dealing with pneumoconiosis—are not new principles, but are extensions of coverage. To that extent I am sure they will prove to be very valuable.

As the honourable Mrs. Hutchison and the honourable Mr. Ron Thompson said, the to-and-from clause has been a controversial matter for a great number of years. However, it is now included in the Bill before us. Some care has been exercised in the framing of this provision to cover the usual sort of controversial instances which arise, and which are known in legal circles as departing on a frolic of one's own. This is the legally accepted expression to apply to a worker who departs from his normal route for some reason not acceptable to the board.

In this connection the courts and boards have, at various times, laid down a great body of opinion, and the subject is fairly well clarified. I understand that a deviation, in a journey of 150 miles from one point to another, of 20 miles from the normal route was allowed in a recent case.

The Hon. R. Thompson: Where did this happen?

The Hon. G. C. MacKINNON: In the north of the State. The party concerned decided to break off for refreshments, and on that trip sustained an accident. That deviation in the journey was allowed as reasonable. The law on deviations and frolics on one's own is fairly well clarified. I anticipate the board will have no difficulty in interpreting this provision in the Bill.

The Hon. R. Thompson: Did the case you referred to occur during or outside of working hours?

The Hon. G. C. MacKINNON: I am not sure, but I shall endeavour to find out for the honourable member. It was recounted to me by a solicitor who does a fair amount of this work. He mentioned this case as an illustration of the body of opinion which has been built up over the years, and which tends to clarify the provisions in the Act. I accepted the case as an example, without inquiring very deeply into it.

The Hon. R. Thompson: I would like to know the details.

The Hon. G. C. MacKINNON: I shall make some inquiries and let the honourable member know. The other extension provided in the Bill relates to compensation for pneumoconiosis. As this has been a particular study of Dr. Hislop's I am sure he will deal with it at some length. Representing a province in the south-west I have not had a great deal of experience of pneumoconiosis as it affects miners; but I did have occasion a couple of years ago to deal with one case when I endeavoured to assist a man who had developed silicosis, outside of the period permitted under the Act. It was very obvious that a grave injustice had been occasioned to him. I am delighted to see that the bar which appears in the Act is to be removed.

In my endeavours to help this person I found that the attitude of everyone concerned was very sympathetic; and people went out of their way to be helpful; but the Act had to be observed and there was nothing anyone could do to assist that person. When the retrospective provision is removed it will be possible to adjust such cases.

The provision in clause 3 (d), which relates to compensation for bronchitis, surprises me. The extension of coverage in this instance appears to be very wide, and I would like to hear the views of Dr. Hislop on it. I imagine that great difficulty will be experienced in determining the actual facts of a case. I do not know whether disabilities, such as bronchial asthma which might develop in time, irrespective of the occupation of the worker, are easily distinguished from bronchitis which results from occupation in the industry. The provision in the Bill appears to be a generous extension of coverage.

I repeat what I have said by pointing out that in the main this Bill constitutes an extension of the Act; some extension of the schedules; some extension of the coverage; some extension of the periods of cover; some extension of the diseases which are covered; an extension by the removal of the time limit; and an extension in compensation by way of cash payments made under the schedules. To my mind there is nothing in the Bill which changes the basic concept of the Act.

The Hon. R. Thompson: That is for sure.

The Hon. G. C. MacKINNON: Nothing which the honourable member has said indicated that he desired the basic concept of the Act to be altered; and that is for sure. There are one or two ways in which the Act can be altered, without upsetting the body of law and the decisions which have been built up over the years and which could be altered if we were rewriting the Act.

The Hon. R. Thompson: Some of my amendments will alter the concept of the Act.

The Hon. G. C. MacKINNON: We will discuss those amendments in the Committee stage. They seek to alter the degree of extension. When I referred to the altering of the basis of the Act I had in mind the provision in section 7 of the Act under which a worker cannot have two courses of action. Under the normal usage of the

law a worker cannot take action against his employer for two causes; he cannot take action under the Workers' Compensation Act, and at the same time take civil action for damages for negligence. At law that is fair enough. This principle of the law retains the myth—for want of a better word—that the employer and the insurer are one and the same person. There is justification for the provision in the Act which permits an employer to be also the insurer. In fact, in many cases, the employer is also the insurer. That provision does cause some hardship.

The Hon. R. Thompson: Are you speaking about the provision in the clause or the one in the Act?

The Hon. G. C. MacKINNON: I am referring to the Act. Some hardship can be occasioned when an injured worker is advised that he has, in fact, a basis for a claim of negligence. He might pursue that course, and he would be advised that he could not take action under the Workers' Compensation Act. In other words, he cannot collect workers' compensation, and he has to forgo it.

Of course this worker can live on social service payments pending the hearing before the courts of his case for negligence. I have not tried to do that and I would not like to. What happens normally is that the worker accepts workers' compensation, unless he has some funds of his own. In other words, he usually exercises his option to take workers' compensation. If we were drafting the Act, as a matter of fundamental principle, I think we should have a look at the matter. I do not think it could be done in isolation.

The Hon. R. Thompson: You are not quite correct on this, you know.

The Hon. G. C. MacKINNON: Perhaps during Committee the honourable member might try to explain it; or I am quite sure that one of the other honourable members could explain it and clarify the position for all of us. However if I am not correct on it, it means there must be more than one interpretation.

The Hon. R. Thompson: If a man takes action under common law, he is not precluded from applying for workers' compensation.

The Hon. G. C. MacKINNON: Yes, he is.

The Hon. R. H. C. Stubbs: He can get permission.

The Hon. G. C. MacKINNON: The board is extremely lenient in its interpretation of the section. The board's interpretation is that until such time as he has been to a lawyer and actually has legal advice he is regarded as not understanding the fact that he must exercise an option.

I think it is possible that honourable members are confusing clause 7 (1) (b) with clause 18 under which he can take action against the employer and against a stranger for negligence, and if he then gets damages against the stranger, he has to recoup the employer for the compensation received. However, under the strict interpretation of 7 (1) (b) he cannot take the two courses, and it is a normal legal understanding, and that is that! However, if I were completely recasting this Act in principle—not in extension—that is the position I would study very carefully.

There are only about two other matters on which I think this Act could be altered in principle. One is the basis of the schedules. I have never been very happy about the present basis of set payment for a set injury. I suppose the classical illustration is the linotype operator who loses a finger, as compared with a professional soccer player—if we had them here—who loses a finger. This is perhaps drawing a long bow because the principle would probably be taken into account by the board; but under the schedule, set payments for set injuries are provided.

The degree of damage done to a man in his occupation is not necessarily the same for a particular injury. The man with a sedentary occupation, such as a clerk or an accountant, can cope as efficiently minus a leg as he can with it. He would be entitled to compensation, certainly, for discomfort and all the rest of it. However a man who had to walk about and supervise on a comparatively large workshop floor would be caused a greater disability. As a matter of principle, if I were completely rewriting the Act, I would endeavour to incorporate this type of compensation. It would not be easy but I feel in my heart this would be a fairer method of compensation than having a set arbitrary amount for specified damages.

This principle is recognised within the schedule at present. I quote one small example of the right arm and the left arm. A certain value is prescribed for each arm but if a person happens to be left-handed, he would get the value for that left hand which, in the schedule, was prescribed for the right hand. So that the principle of varying payments for usage is contained in the schedule at present.

The Hon. N. E. Baxter: What if he were ambidextrous?

The Hon. G. C. MacKINNON: I do not know. He could try to claim for both, I suppose. If I were rewriting the Act, I would, as a matter of principle, like to feel that this compensation were made a matter of partnership, the whole scheme being on a basis of contribution. I have been here only nine years but during that time I have heard a number of debates on compensation, and I have no doubt that similar debates take place in other States. The main principle submitted is

that for the same amount of money contributed by the insurers, more money should be paid out for injuries. This is completely understandable. If we or any other group were offered, *gratis*, an insurance to cover any particular activity in our lives, we would want as much as we could get.

Probably every honourable member in this Chamber has personal insurance and probably every honourable member would like to have twice as much as he has. However, he is limited to the amount. He has a rational approach to the problem; namely, if I contribute this much for that amount of cover, it is reasonable in that case.

The Hon. R. F. Hutchison: It is your idea of the rational approach that is wrong.

The Hon. G. C. MacKINNON: I believe that a contributory scheme, be it ever so small, would bring about this approach to the Act. I believe that a basis of contribution would bring it home to everyone covered. People covered under workers' compensation today constitute a wide section of the community. Under a contributory scheme, if they wanted more compensation, they could take out more. I think, that fundamentally, everyone realises this. I am also sure that it would not excite the antagonism that a lot of honourable members might imagine it would. From my conversations with men who are covered under the Act—and my son works among them and I do too and live among them—I am quite sure that this approach, given the support of Parliament, would not meet the antagonism that people imagine.

Before many years have passed it might be a very worth-while exercise for this House to appoint a committee to consider some of these fundamental matters of principle as they apply to this Bill, in an endeavour to bring about the changes which I have suggested. We should examine the possibility of enlarging the scope of the legislation and making it a very true partnership.

The Hon. R. F. Hutchison: Why should it be a partnership when the man is working for his living?

The Hon. G. C. MacKINNON: That is a fair enough question. The honourable member asked me why should it be a partnership. I think it would be an admirable exercise for that particular honourable member to read the speech to which I referred last night; and that is the address to the miners of the United States of America by John L. Lewis. He answered that question in that address. He made it quite clear to the coalminers of America that their future and the future of the management were one and the same thing—no profits, no jobs.

The days when the boss owns a place lock, stock, and barrel have almost disappeared. The bosses today service capital for a wide range of shareholders; and under modern fixed trusts and so on it is very hard to say who owns a firm and who does not, and for whom a boss is, in fact, servicing the capital.

All industry is a partnership today. If a firm, whatever it may be, closes its door through bad management or bad luck, who is the hardest hit? The man who works in it—the man who gets his bread and butter from it, as the honourable Mr. Watson said last night. Very often some of the owners of that industry are hit equally hard. These include widows who have their entire life savings in a company, and we can all remember cases of that in recent years in this State. Therefore it is very hard to say who is the owner today.

I repeat all industry is a partnership today and I think that many of the arguments on this Bill would be solved if the compensation became a very real partnership and was rewritten in terms of a contributory scheme.

I have tried to deal in general terms with the Bill. Some will think I have succeeded and others will think I have not. I have also tried to submit one or two ideas with regard to what I consider might be a very worth-while exercise in examining some of these principles at some future time to see whether they may not, in fact, improve the working of this Act and thereby improve the employee-employer relations in this State; and, specifically, improve the lot of the employed man in this State. I support the Bill.

THE HON. F. R. H. LAVERY (West) [7.57 p.m.]: I do not wish to say very much on this Bill because I believe that the amendments are such that they must be dealt with in Committee. However, I would like to draw attention to a remark made by the previous speaker. I do not very often refer to remarks made by the previous speaker because every time I listen to Federal Parliament on the radio, the honourable member who is speaking at the time comments on nothing else but what the previous honourable member has said.

However, the previous speaker tonight said that this was virtually an insurance Act, and I agree with him on that point. However, as the late Mr. Harry Hearn said when I was sitting on the other side of the Chamber and he was sitting where the honourable Mr. Ron Thompson now sits, the position is today that this is a matter of premiums paid by industry for compensation coverage. I do not think any honourable member denies that.

The Hon. A. F. Griffith: It is one part of it.

The Hon. F. R. H. LAVERY: Therefore, I want to speak about a few figures—not many, though. I would not have spoken at all if the debate had not been about to collapse. In the five and a half years since March, 1959, only three amending Bills have been placed on the notice paper by the present Government. This time it must be admitted that the Government has gone a little further than it did last year, inasmuch as the amendment last year was almost infinitesimal.

I think the State Government Insurance Office bears the brunt of workers' compensation in this State; or it did until, say, five years ago. I have a schedule of figures in front of me, and it would be illuminating for members if I were to read from it, but it would take too much time. These figures are taken from *The Australasian Insurance and Banking Record* for June, 1964, and they apply to the Australian States and territories at the 31st March, 1964. The honourable Mr. Ron Thompson loaned me this schedule. I had never seen the document previously.

In 1952 the premiums paid to the State Insurance Office were £461,906, and the claims paid were only £199,397, or a surplus of £262,509; and bear in mind that the State Insurance Office at that time had a premium discount of 20 per cent. compared with other offices. In 1961 the figures changed tremendously. An amount of £2,516,556 was paid into that office by way of premiums, and the claims paid amounted to £2,061,826.

The Hon. J. G. Hislop: Purely Workers' Compensation Act?

The Hon. F. R. H. LAVERY: That is correct.

The Hon. A. F. Griffith: The figures do not include the administration of the office.

The Hon. F. R. H. LAVERY: I am just quoting the straight figures of the premiums received and the claims paid.

The Hon. A. F. Griffith: I just wanted to bring in the question of the 8 per cent. administration that the honourable Mr. Ron Thompson spoke about.

The Hon. F. R. H. LAVERY: The surplus in 1961 was £455,730. In 1961-62 the premiums received by the State Insurance Office amounted to £2,844,016 and the claims paid were £2,107,756, or a surplus of £736,260. These figures are taken from the year book presented to us in this House, so there is no dispute about them.

The point I want to make is that the State Insurance Office could, with its premium discount in 1952, and again in 1961, return the amount of profit that it did. I am not sure what the premium discount was in 1961-62, but assuming that everybody was paying the same rate of premium, there was a profit of the order of £736,260.

I want to support the honourable Mr. Ron Thompson and the claim made from this side of the House; namely, that the Bill does not provide for a very great overall increase in payouts by the insurance companies compared with the figures for previous years. I believe that with a very small increase in premiums paid by the various industries, some of the vital payments in respect of workers' compensation could be handsomely extended.

I have often heard the honourable Dr. Hislop say that anybody who loses the top joint of a little finger should only receive his medical expenses and be recompensed for loss of wages, and should then go back to work. I agree with that. I also agree with the proposition that the honourable member has put forward many times that a widow left with two, three, or more children should receive a minimum amount of £5,000. We are a long way below £5,000 in this Bill. I could not do better than follow those ideas of the honourable Dr. Hislop. I repeat, I believe that a small added cost would make this possible.

I leave the argument on the to-and-from clause to the honourable Mr. Ron Thompson and other speakers, but I draw attention to a group of figures dealing with three separate sections of industry. The figures before me cover a period of five years, but I shall quote only the figures for 1948-49 and those for 1962-63. The statement I have deals with Western Australia and is headed "Comparison of Costs of Workers' Compensation (Premiums) with Value of Output (i.e.) Cost of Production," and I quote the figures—

Year	Value of Primary Output	Value of Manufacturing	Value of Buildings Completed	Total Value	Premiums
	£	£	£	£	£
1948–49	70,233,000	53,417,000	4,706,000	128,356,000	980,233
1962–63	182,251,000	258,950,000	43,214,000	484,515,000	3,212,993

I point out that in 1948-49 the ratio of premiums to output was .764 per cent., and in 1962-63 it was .663 per cent. I am quite satisfied that a small percentage added to the premiums paid into the fund would give us a more equitable type of compensation for the people injured in this State.

I close on this point: As honourable members know I was in industry before I came to this Chamber, and in 1941 I received an injury, with the result that I was in hospital for 11 months. Because there was a doubt that I received the injury while doing actual work—although it happened on the wharf when I was

servicing the warship *Sussex* on her maiden voyage—my wife was paid 18s. a week during that time because the company decided that the social services should pay, and that I should not be paid workers' compensation. I am speaking of actual facts, and I want to say that I have never completely recovered from that injury. Had there been a more liberal allocation of payments for injuries, then I do not think the company would have got away with using social services to that extent. Coming back to what the honourable Mr. MacKinnon said, that was a case where industry tried to use the social services of the Commonwealth to pay an injured worker.

In supporting the Bill, I have drawn attention to the fact that a small percentage increase in premiums should permit us to increase the overall payments to the injured workers.

The Hon. A. F. Griffith: Do I gather from that that you think these improvements will not cause an increase in premiums?

The Hon. F. R. H. Lavery: I am sorry I have sat down. I am agreeing they will cost something; and that was my point.

THE HON. J. G. HISLOP (Metropolitan) [8.12 p.m.]: Workers' compensation legislation always causes a considerable amount of debate and engenders in some a sense of ill-feeling; and we have already experienced both aspects during the debate this evening.

I would like to stress to those speakers who still maintain the attitude that the employer is a most unreasonable person that they are doing their own psychology great harm and are simply stirring up discord where it should not exist.

The employer of today is a man who can be commended, in the main, for his attitude towards his employees. I have reason to know this; and there is no reason for hurling abuse at employers now. As the honourable Mr. MacKinnon said, employers have a number of responsibilities to those who provide the funds to allow industry to continue, and to those who work in, and receive wages from, industry. If I told honourable members about the actions of some employers today I might just drop a word of truth in the ears of one who believes there is no good in any employer.

In the last few years I have seen some excellent examples of how employers have regard for their employees. Only recently I asked the officials of a company to give to a boy who had suffered considerable difficulties in life, and who had undergone a lot of treatment in order to reach the stage he had reached, a start in life at a very low grade of occupation. Their reply to me was, "That is not sufficient to give the boy a chance. Let us see what we can do for him"; and they gave him some occupation as a result of which he can, by his own efforts and by the guidance of the officers of the company, fit himself for very useful employment in the State.

The Hon. R. F. Hutchison: Nobody has said anything about these employers.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. J. G. HISLOP: Should I retire, Sir, and let the honourable member speak.

The PRESIDENT (The Hon. L. C. Diver): The honourable Dr. Hislop will continue.

The Hon. J. G. HISLOP: I have heard the same interruption all the time; and I know what is at the back of the mind of the individual to make a slur on the character of employers.

Point of Order

The Hon. R. F. HUTCHISON: That is not true. I ask for a withdrawal of that statement because I take it as an insult to myself. I said nothing about employers. I said that the insurance company set up by Parliament makes sufficient profits to raise compensation. Dr. Hislop cast a slur upon me, and I object to being called an individual in this House.

The PRESIDENT (The Hon. L. C. Diver): The honourable Dr. Hislop may proceed.

The Hon. F. J. S. WISE: On a point of order, Mr. President, the words used are offensive to the honourable member and she has asked that they be withdrawn.

The PRESIDENT (The Hon. L. C. Diver): The honourable Dr. Hislop.

Debate (on motion) Resumed

The Hon. J. G. HISLOP: There are other examples I could quote to the House of occasions upon which employers have been more than helpful to underprivileged individuals. At times I have been struck by the attitude of employers in relation to the under-privileged. This is an attitude which was not in existence some 10 or more years ago, but today it is quite prevalent right throughout the industrial field.

There are some considerable changes proposed in this measure and I do not intend to spend any length of time on each of them. We have at last accepted the to-and-from clause against which I have spoken previously, because I always felt it should have been part of the national insurance scheme. Not only a worker, but also everyone who travels to his own place of employment, faces the problem of being injured whilst travelling. However, the provision has been included in this Bill and I do not quibble about it. The measure also intends to provide a good deal for the silicotic worker; more than it has done

in the past. Of the nine recommendations made by the pneumoconiosis committee which was constituted in this House two years ago, seven have been accepted in this Bill.

The two which have not been accepted are, firstly, that an individual who is suffering from silicosis should not be allowed to continue to work in a mine for any further period; and, secondly, that, a continuing committee should study the basis of pneumoconiosis. During his speech, the honourable Mr. MacKinnon, asked that I might discuss this question of bronchitis and silicosis. It is seldom that one sees a miner suffering from bronchitis without silicosis, and it is extremely difficult in many cases to say whether a man has some silicosis which is not showing in a film taken radiologically. The presence of bronchitis with silicosis is a condition which should entitle the sufferer to added compensation—as has been done in this measure—because silicosis alone does not produce the nauseating and troublesome effect that follows the onset of bronchitis, and it is thought by many that silicosis lays an individual open to bronchitis in an extremely intense form.

It is true that one can see, even among members of the ordinary population, cases of bronchitis, some of which are very severe. I have seen bronchitis present in more than one worker for the Metropolitan (Perth) Passenger Transport Trust who has spent long hours at night driving a bus, or acting as an inspector. Admittedly there has always been the effect of tobacco associated with the disease and one does not know which is which; but there is no doubt that in a cold climate, in a dusty climate, and in conditions such as prevail in the old country, bronchitis is much more common than it is here; but, nevertheless, we still see the effect of it here.

I think silicosis, together with bronchitis, a justifiable disability which should be accepted under this legislation. I do not think that this confirmation need cause the community any great alarm in regard to health and cost, because I believe a medical officer and a qualified health inspector should be the persons appointed to go into the homes of these people and discuss public health with them; to point out how dangerous it is for a man working in a mine with silica to smoke 20 or more cigarettes a day; to point out how the act of cleaning one's teeth every day could lessen the onset of the disease and infection; and to assist them generally in the value of personal hygiene. I feel quite sure that if this were done the onset of bronchitis among miners would diminish very rapidly.

I have seldom examined one of these men who has had his own teeth in good order. As a rule there is considerable evidence of pyorrhoea among these men. I think this is due to the fact that so many of them come from a country where possibly the diet is different and there is not the same necessity to clean one's teeth that there is here; and they enter a country where the diet is of a softer type and there is easier food available, but they still do not think it is necessary to have the dental treatment that is necessary in this country, and so they end up with infected teeth. I am amply sure that the appointment of a health officer, dedicated to the task of maintaining the health of a mining population, would produce a rapidly-diminishing degree of bronchitis among the miners.

Let me speak for a moment on the rejection of the clause under which a man who has received compensation for silicosis may continue in a mine. It is probably the only occupation this man has known. He is probably a migrant who would find it difficult to find other employment if he left the mine, alongside which we can place this fact: This man has contracted silicosis from working in a mine and it is almost without question that in a matter of years his silicotic difficulties will have increased many times. In other words, once the disease has been established to a certain degree it is continually progressive.

Therefore once he has reached that stage it might be quite useless to remove this man from the mine. Nevertheless, there is one type of man regarding whom I would stress that he should never work in a mine where there is silica. That is the man who has developed asbestosis, either in a mine which has only asbestos dust, or one which has both asbestos dust and silica dust; because the individual who leaves the asbestos mine with asbestosis will have only mechanical blocking of a certain percentage of air space at the base of his lung. However, if he proceeds to work in a mine where there is silica this seems to have a synergistic action and one disease hastens the progress of the other. Therefore I would say that the man who is suffering from asbestosis should never be accepted for work in a mine where silica is present.

The Hon. E. M. Heenan: What about the silicotic miner who has no asbestosis?

The Hon. J. G. HISLOP: I have said that if he already has silicosis it is known that his condition will progress whether he is in or outside the mine, so in view of the fact that he may not have any other occupation, it might be just as well for him to continue spending his time in the mine; and, if he followed my suggestion regarding the care of his health, he may continue working for many years as a miner.

The Hon. D. P. Dellar: At any stage?

The Hon. J. G. HISLOP: Yes; at any stage. Once a man has silicosis and it is recognised it will increase whether he continues working in a mine or leaves it.

The Hon. E. M. Heenan: I think the committee agreed with that statement.

The Hon. J. G. HISLOP: I saw the X-ray picture of a man the other day who had worked in a mine and who, at the time the picture was taken, had a clear chest. Eighteen years later another picture of his chest was taken and he was absolutely riddled with silicosis from the base to the apex of the chest. Yet, as I say, when he left the mine he had a clear chest. I will now return to the idea that I previously expounded in this Parliament. I feel that with this measure, and with the natural tendency in human nature to accept something for nothing, there will always be a call for more.

I have always stressed that the payment of compensation should be made on the basis of a pension rather than on the basis of a lump sum payment. I think I have stated before that I have placed this suggestion before a committee which was formed by a former Minister for Health when the Opposition, I think, was in government and, as soon as I placed this proposition before the committee I was faced with the two union members rising to their feet and saying that they would have nothing whatever to do with it. My suggestion was that there should be a contribution from the worker, the government, and the employer.

As far as my guess goes, at the moment there are about 200,000 workers in this State. There are probably more, but let us take that figure as a base. If each party contributed 6d. a week; that is, the employee, the government, and the employer, about 350,000 shillings per week would be collected and this amounts to about £17,500 a week, which is a considerable sum. If we multiply that by 52 we get the figure of approximately £800,000 a year. My suggestion is that this legislation would function much better if we divided the condition into two halves. That is, one half would cover the man who has lost his sight, his limbs, or even his life, and the other half would cover a man who had an injury of a minor character. If £800,000 a year were collected from the contributions I have suggested, 80 families could be paid £1,000 a year for a long period.

The Hon. A. F. Griffith: You said the figure would be £800,000. That would mean you could support 800 of them.

The Hon. J. G. HISLOP: We must work it out on the basis that these people will live for 20 years. So if we divide 800 by 20 we get 40 families. But I do not think there are 40 families who would be affected in the upper class of this compensation Bill in one year. If inquiries were made I am certain we would find the sum would be ample. If we brought the figure down to 3d. a week which we would find, we would have enough to look after 20 families for 20 years. That would mean that each year would cover the contributions necessary to keep those families going on the basis of £20 a week each. A very small additional contribution of 3d. a week would mean we could do what I suggested in the first place, and ensure that no child would lose any advantage that it might have received if its father had lived. This could be done by this small additional amount.

Let us suppose that the worker spent 6d., the employer 3d. and the Government 3d. This would mean the addition of another £40,000 a year, and it would enable us to say to the child, "You can proceed so long as your intelligence can take you through the University and give you training for a job." These children could be looked after in a way that no other State has looked after its fatherless children. This is the type of attitude we must eventually adopt to this sort of measure.

The Hon. F. R. H. Lavery: You have not been able to convince your Government to try it.

The Hon. J. G. HISLOP: No, I have not, but that does not matter. As I have said before, it takes about five years before anybody takes any notice, so I keep plugging away. If we take this question right down to total loss of hearing for which this Bill provides £2,100 we would find there would not be more than 20, or possibly 40 such cases each year who would receive these payments. But a committee of inquiry could well find out how far they would go.

There should be ample scope for a small contribution from employers—half of what they are paying now—to pay for a loss of earning capacity under the second half of this measure. The loss of the forefinger of the left hand calls for a sum of £455, and that might be fair and just to one person—a person who is relying on earning his living as a pianist or a violinist—but in many other cases the loss of the forefinger does not necessarily mean that £455 should be received in addition to the wages received during the time, or in addition to hospital and medical benefits. We would have to judge the loss of earning capacity.

In that way we would feel we were giving justice to those who had minor injuries. You will recall in your time, Mr. President, the number of individuals who came to this country in the early days, and who chopped off a toe and who claimed compensation because of the money that was made available. The same sort of thing does go on today, but fortunately we have lost a number of that type of worker who is willing to chop off a toe or a finger for the sake of compensation. We can quite justifiably look at this from the point of view of how much it would cost to consider injuries received by workers in a minor capacity, and this could be based upon loss of earning capacity.

In that way we could usefully use the amount of money that would be paid to the injured people today. We have heard in this House before the case of a widow who receives £3,000 or £3,500 being met at the front door by every type of salesman wanting to sell her washing machines and so on, and that before long she has very little left. One must realise that today even £3,500 does not buy a family house. It might have done so at one time, but today £3,500 would buy only a very ordinary type of house. I do not think it would matter how much we increased this amount, it still would not be enough. We all seem to want something more than we get.

The Hon. R. F. Hutchison: You could at least be fair.

The Hon. J. G. HISLOP: I should think that what I have said is an attempt to be fair in a manner that has never been attempted under this type of legislation previously. So long as we have hand-outs there will always be some people who will be dissatisfied, but I believe that while we all take a share in making provision for the injured worker—for whom I have the greatest respect, and for whom three mornings a week I do a considerable amount of work; admittedly I am paid for it, but it is fascinating to see the injured man or girl get back to work—we will be moving in the right direction. These people are all mixed up with the low grade mentality type who get rehabilitated back to work, but they are all people and must be regarded as such. They must be regarded as essential units in this one big family of ours.

If we could all get together and sit down and look at this calmly, we would produce a much better way of looking after these injured people than we have at the moment. I suggest therefore that we deal with this on a pension basis; a very different basis altogether from that on which we are dealing with it at the moment.

Debate adjourned, on motion by The Hon. J. Dolan.

BILLS (3): RECEIPT AND FIRST READING

1. Natives (Citizenship Rights) Act Amendment Bill (No. 2).
2. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.

   Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.
3. Chevron-Hilton Hotel Agreement Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

BILLS (2): RETURNED

1. Public Trustee Act Amendment Bill.
2. Motor Vehicle (Third Party Insurance) Act Amendment Bill.

   Bills returned from the Assembly without amendment.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed, from the 27th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.43 p.m.]: Members will recall that after moving the second reading of the Bill the Minister suggested an adjournment of seven or eight days. There is the expectation at times to take Bills off the cuff, as it were, but this measure must be regarded as a very important one, and it was necessary to consider the amendments it contains.

I have not only taken the opportunity since the debate was adjourned to study the contents of the Bill and the matters relevant to it, but, in my research, I have taken advantage of the facilities offered to me, by courtesy of the Minister, to confer with officers who have been responsible not only for the framing of the Bill and the memorandum accompanying it, but who have submitted through the Minister to this House on two occasions reviews associated with the revision of Statutes.

The Statutes being dealt with are not merely those which may be considered to be inoperative, but some which are wholly redundant; and such Statutes have caused concern in England over a long period, concern, not merely because they are dead and unused, but because while they remain as Statutes on the Statute book, when a reprint of Statutes is considered, they must be included in the reprint. In short, the Acts which are concerned in a Bill of this kind are Acts which may be said to be cluttering up the Statute book, and in which there is very much deadwood; Acts perhaps better described as those wholly inoperative.

The sort of law review which this Bill presents has been regarded as very important for many years. Some comment has been made in this House in recent years of this matter by myself and by the honourable Mr. Watson, not only in connection with a review of redundant measures, but a review of the necessity of bringing up to date inherited laws which have never been installed as laws initiated in the State of Western Australia. I refer to such Statutes as those affecting wills and essentially laws which have a legal background.

In preparing for the reprint of Bills in sequence, I think it is very important to get this matter under way and to have a review taken, as this has been taken, from the English Statutes in this State right up to the end of the last century; and if this Bill be passed it will give an excellent opportunity as a commencement of this work and for such work to continue under the very splendid circumstances under which, in my view, this work has been initiated.

We have been accustomed in this Parliament to the repealing of laws almost year to year by having in the schedules of Bills laws which have had their principles incorporated in the new measure. We have, indeed, in the last two years, in this Parliament had single Bills which repealed nine other Bills in the enactment of a new Statute. I can recall one in particular—the Native Welfare Act—which, in the last 12 months, within itself repealed nine then existing Statutes; and these repeals usually affect Acts in operation or portions of Acts.

Separate sections of certain Statutes have been singled out for repeal, not only because of the incorporation within them of the principles of the excised portion, but in some cases because of redundancy. This measure deals with the matter somewhat differently and provides for the repeal of Statutes which could be said to have no spark of life remaining in them—Statutes which are wholly inoperative.

In the second report on Statute law revision tabled recently, in the explanatory memorandum on the subject, the following words express the up-to-date situation:—

> At the present time, there are about 3,800 enactments on the Statute Books. Many of these, although not expressly repealed, have ceased to have any force and should be removed before the Statutes are reprinted. Others, although wholly or partially effective, require amendment in order to achieve a degree of uniformity in form, style and expression.
>
> In order that the necessary research can proceed at an even rate and abnormal demands upon the time of Parliament avoided, it is intended that these two processes, the repealing of ineffective enactments and the amendment of the remainder, should be applied by a number of Bills. This is the first of such Bills by which it is intended to repeal 384 enactments passed during the period from 10th February, 1832, the date of the first Act in Council to the 31st December, 1900, when the State became part of the Commonwealth of Australia.

That, in short terms, is the objective for the future and one which this Bill initiates.

The oldest inoperative Statute of the 384 redundant Acts to be repealed by this Bill is at least 132 years old, and the youngest dealt with in the schedules of this Bill is at least 64 years old. Old laws, very much older than these, of course, are very live laws when they deal with, and are appropriate and able to be applied to, today's circumstances. Why, I have heard the laws of William and Mary quoted in the Supreme Court of this State! The test to be applied is not one necessarily of age; it is applied as to whether they are wholly redundant, whether they are wholly inappropriate, and are absolutely unnecessary. I am confident that the tests that have been applied in regard to their inoperative character and redundancy have been very thorough.

We have—and I think it should be referred to in this discussion—a very clear authority on a legal basis in that portion of the Interpretation Act which governs the repeal of our laws. This section of the Interpretation Act has been referred to in both the reports of last year and this year which have been tabled in Parliament. They are referred to in the memorandum accompanying the Bill; and I think clarity for that point will be given if I read section 16 of the Interpretation Act. It reads as follows:—

> (1) Where any Act repeals or has repealed a former Act or any provisions or words thereof, or where any Act or enactment expires or has expired, then, unless the contrary intention appears, such repeal or expiry shall not—
>
> (a) revive anything not in force or existing at the time at which such repeal or expiry takes effect; or—

I will interpolate here. How important it is that in a complete repeal there shall not be the ability to revive anything not in force or existing at the time at which the repeal or expiry takes effect. Continuing—

> (b) affect the operation of the repealed or expired Act or enactment, or alter the effect of the doing, suffering, or omission of anything prior to such repeal or expiry; or
>
> (c) affect any right, interest, title, power, or privilege created, acquired, accrued, established, or exercisable, or any status or capacity existing, prior to such repeal or expiry; . . . .

And so on. There are six special paragraphs clearly defining what the repeal of our laws means and the effect that such repeal has.

The Hon. G. C. MacKinnon: An Act to repeal and re-enact does not allow a previous Act to come in?

The Hon. F. J. S. WISE: That is dealt with by section 12 of the Interpretation Act which deals with the repeal of the Statutes which provided the repeal. If honourable members are sufficiently interested, they will find that on page 204 of our Standing Orders it states—

> Where any Act passed after the thirteenth day of April, One thousand eight hundred and fifty-three, repeals a repealing enactment, it shall not be construed as reviving any Act or enactment previously repealed, unless it contains a provision expressly reviving that Act or enactment.

I think that completely answers the point raised by the honourable member; it is in the Interpretation Act and I have quoted from pages 204 and 206 of our Standing Orders.

In the modern Statute law revision in England there will be found some very interesting comparisons and objectives which this Bill brings into clear light in this State. Modern Statute law revision in England commenced with the appointment in 1868 of a committee to supervise the production of the original edition of the Statutes, revised, in 18 volumes. A second edition of 16 volumes in 1900 was followed by further instalments in 1909 and 1928. In 1951, the third edition containing all the surviving enactments from 1235 to 1948 was produced in 35 volumes. To enable all volumes to be produced simultaneously, no fewer than 20 printing houses were employed, so great is the magnitude of the task as applied to the English Statute law.

During the whole of this period the process of Statute law revision went on with Parliament repealing enactments that were no longer necessary and omitting or amending portions of others to conform with modern usage. It is interesting to note that during the period from 1861 to 1960, 34 Statute law revision Acts were passed

If honourable members care to look at the report tabled in 1963, I think on the 30th September, they will find the interesting background associated with the handling in England of Statute law revision; and these words appear early in the report—

> While the general plan is being worked out, there seems to be no reason why the first steps of clearing ineffective Statutes from the Statute Books cannot be taken. I have therefore, amongst the documents attached to this report, included a draft Bill for the repeal of 197 enactments passed between 1832 and 1900, which in my view can be safely repealed without altering the law.

Within the year the thorough scrutiny which had been given increased that number from 197 to the total involved in this Bill of over 380.

The Hon. J. G. Hislop: How many are still alive?

The Hon. F. J. S. WISE: In the index to the Statutes, which is to be found through the courtesy of the Usher of the Black Rod or the Clerk, there is a table of Imperial Acts of Parliament which have been adopted by Western Australia but which have been unrepealed as at the end of 1955. The honourable member will find the complete tables on pages 281 and 282.

I pass to what appears in the early Statute law revisions of England, and I quote from *Public General Acts and Measures of 1953*, in which one of the repealing Acts of England is incorporated.

There is no doubt that since 1851 until now there has been an endeavour in England, through the Parliament at Westminster, to severely prune all the deadwood. All of the inoperative Acts, and those which show no glimmer of life, have been repealed and have not been printed. The preamble and some of the features of the 1953 Act are worthy of mention and perhaps incorporation in the Bill now before us. The preamble reads as follows:—

> An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary and by correcting certain errors in the First Schedule to the Statute Law Revision Act, 1950, and for facilitating the publication of Revised Editions of the Statutes.

It goes on to say—

> Whereas it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal, or have, by lapse of time, or otherwise, become unnecessary, should be expressly and specifically repealed:

This law then goes on to state the Acts affected by repeal. It also contains certain specified provisos; certain saving provisions, which render somewhat redundant some of the very actions within the Statute itself. They are so much a matter of qualifying a repeal that they negate, as it were, the effect of some of the repeal.

I would like to ask the Minister whether, in this measure, the initial Bill of its type in Western Australia, there may be some merit in specifying in a long title or in the preamble some of the expressed provisions in the preamble and long title of the 1953 English Statute. This is something which is worth looking at, because in the preamble it expressly states a purpose and what the provisions give effect to.

This is a very short Bill. It has a very short long title. It perhaps does not express its purpose as explicitly as an initial law of this kind might express to better advantage. There may be legal reasons. There may be reasons why the draftsman has not copied the approach to this subject of the English draftsman. The approach is to be found in the volume I have mentioned, on pages 737 and 738. The preamble contains saving provisions or provisos applying to the Statutes affected. There are no qualifying provisos in our measure as to why all these laws until 1900 should not be repealed. There is a variant, however, in the fourth schedule which affects the Railway Acts of earlier days. The proviso specified in the early clauses of this Bill really means that although the Act is dead and may be repealed, the principle of variation of the specified route is not repealed.

The provisions go back to the requirements of the Public Works Act about which we have had arguments and disagreements in this House.

The Hon. A. F. Griffith: Section 96.

The Hon. F. J. S. WISE: I think it is section 96 of the Public Works Act. I had better find it.

The Hon. A. F. Griffith: This was the one about which you argued with me over the Mount Goldsworthy Railway Bill.

The Hon. F. J. S. WISE: If the Minister recalls, I won the argument.

The Hon. A. F. Griffith: I remember that the majority of the House helped you win the argument.

The Hon. F. J. S. WISE: No; it was on the President's ruling that I won the argument.

The Hon. A. F. Griffith: In the first place.

The Hon. L. A. Logan: That still doesn't make it right.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. F. J. S. WISE: So far as I am concerned, the President always makes it right, especially on his birthday! In comparing the two English Statutes to which I have referred—the 1953 Statute, and the 1958 Statute in which there is not such a preamble—the 1958 Statute is a short one with three schedules.

It is interesting to note that the Acts mentioned in the schedule to this Bill have been considered to be, and indeed are, those which have reached the stage of absolute redundancy. They are Acts in connection with which there can be said to be no hangover. They are Acts such as the Supply Bills passed from 1832 to 1900. They are Acts which provided for certain specific things to happen, which did happen. There is nothing in them which has a spark of life and which would need their continuance.

As I said before, there appears to have been a very thorough examination. The oldest recorded Statutes of Western Australia, and those which we inherited, have all had a very thorough examination. I asked the Minister, through his legal advisers, whether there was anything mentioned in these schedules which might detract from, add to, or influence any decision in law, and the answer was, "No." So these Acts may be said to be completely dead.

I could tell a story, but it would be inappropriate because I do not wish to indulge in any levity at this point. However, I repeat: they are completely dead. To test certain opinions, I found that the Minister's legal advisers were anxious to be correct in their approach, and where there was a doubt in connection with an Act—such as the Census Act of 1891, in connection with which there are all the overriding authorities within the Commonwealth—it should be regarded as still being required. In a letter to the Government Statistician, the officers had this to say—

> Section 51 (xi) of the Commonwealth Constitution gave the Commonwealth power concurrent with the States to legislate in respect to Census and Statistics. This power was exercised by the passing of the Census and Statistics Act 1905 but it is thought unlikely that its exercise would completely prevent the taking of a census under the State Act 1891 if the State so desired.

The letter continued—

> The State legislature subsequently passed the Statistics Act 1907 in which the Government Statistician is empowered to collect statistics relating to population, vital statistics and social statistics.
>
> A degree of integration of Commonwealth and State facilities was achieved by the Statistics (arrangement with States) Act 1956 of the Commonwealth and the Statistics Act Amendment Act 1956 of the State.
>
> The question which now arises is whether the Census Act 1891 still serves any purpose. It may be that this Act is still used for some purpose or that it is desirable to preserve authority under which the State could if it so desired take a Census.

I am privileged to give that illustration of the approach made to the Government Statistician as to whether, in his view, there could be any continued use for the 1891 Act. The Government Statistician

considered it would be desirable to preserve the authority if at any time the State wished to conduct a census. So the Act of 1891 is not in the Schedule and is considered to have a spark of life.

That is the manner of the approach to this matter. This is a very important Bill. The Law Society supports the general recommendations. There is, of course, a very great responsibility and a very heavy task upon any committee in preparing suitable Bills to replace those partly inoperative and not wholly suitable to our needs.

I refer to one I mentioned earlier: the Statute affecting wills—the Wills Act—which is a notable case. That brings us to another phase of law revision which is tremendously important: the need to bring up to date in this State the Acts which we are using, and which are needed still and which are not merely based on English law but are in fact the laws of England and which have been inherited by us.

The Hon. A. F. Griffith: One of those in particular is under notice at the moment, as I said a couple of weeks ago.

The Hon. F. J. S. WISE: I do not wish to weary the House any longer. I have had the opportunity over the last few days, and over the weekend, to give considerable attention to this Bill and to reports which have been tabled in connection with law revision generally. I am satisfied that there is no reason why, firstly, this House should not adopt the principle which the Bill presents; and, secondly, why we should not accept by this Bill the commencement of law revision which is to be so important in the future history and in the future reprinting of Statutes in Western Australia. I support the measure.

THE HON. E. M. HEENAN (North-East) [9.17 p.m.]: This is a very interesting small Bill. I did not propose to speak to it because it is obviously a measure which I think each honourable member would support. However, in view of the fact that it is such an interesting Bill, and after hearing the very complete outline given by my leader, I thought it might be appropriate to add a few impressions that I have formed.

We are all aware of the fact that in our society every citizen is presumed to know the law. It is an essential therefore that our Statute law be compiled in such a way that it is completely and easily available to the average citizen. In that regard I must give credit to the Minister for Justice for the work he has undertaken in recent years to have the various Statutes consolidated. Each honourable member knows that we now have the volumes containing the reprinted Acts, and it is very helpful indeed, for instance, to be able to look at numerous Statutes which are in everyday use, and which have almost everyday application to the needs of the public, and find that they have been consolidated and brought up to date.

One exception I think might be the Workers' Compensation Act, with which we were dealing tonight. In reading that honourable members will realise how difficult it is to read and understand an Act unless the various amendments which have been made to it over a long period have been incorporated in it, and unless the Act has been consolidated. So I repeat: a necessary and worth-while job has been done and is being done in consolidating these Acts, and I congratulate the Minister and the officers and others who have been associated with the work that is being done so well.

As the honourable Mr. Wise has pointed out, the Bill before us is for an Act to revise the Statute law, and in its six clauses it sets out to repeal numerous Statutes which have been enacted since Western Australia first came into existence. Its purpose is, of course, to get rid of those measures which are no longer necessary and which if retained only clutter up the Statute book. They are redundant; they have served their purpose; and they have no application whatever to our law at the present time. Therefore, it is obvious that, in the interests of tidiness, they should be got out of the way; and that is what this small measure proposes.

I applaud the people who have been responsible for preparing the measure and for the most interesting explanatory memorandum which accompanies it. I think every honourable member should retain one of these because, as one browses over the 50 pages one will find the history of Western Australia unfolding before one. Here is one Act, for instance, that just caught my eye as a member for the goldfields. It is Act No. 59 Victoria No. 21, the Loan Act, 1894, Amendment Act, 1895. The Act appropriated money for the construction of the railway from Southern Cross to the Coolgardie goldfields. The memorandum goes on to say—

> This Act provided that the relevant item in the schedule to the 1894 Act should be held to include the extension of the line to Kalgoorlie.

Then in 1896 there was Act No. 60, Victoria No. 12, the Coolgardie Goldfields Water Supply Loan Act, 1896. That authorised the Governor to raise loans not exceeding £2,500,000 for the purpose of providing a permanent water supply for the Coolgardie goldfields.

If we pass over to some of the naturalisation Acts dealing with individual persons, we find many of them refer to Spaniards—Spanish priests who came out in the early days and founded New Norcia. In the year 1851 there was No. 15, Victoria No. 4, which was an Ordinance for the naturalisation of the Right Reverend

Jose Maria Benedict Serra. Later on in the memorandum we see the name of the Reverend Francis Salvado, whom I presume was Bishop Salvado.

A number of Western Australian names that are household names today are to be found. Special Acts were passed to give the people concerned naturalisation. The memorandum is well worth keeping and reading because, as I said, it contains much of the history of the State in which we live. Honourable members from the goldfields will be interested in an Act passed in 1896, the Kalgoorlie-Menzies Railway Act. The honourable Mr. MacKinnon and the people from the south-west will be interested in one that was passed in 1897, the Bunbury Racecourse Railway Act.

The Hon. G. C. MacKinnon: I have just got that land in subdivision.

The Hon. E. M. HEENAN: I have much pleasure in supporting the Bill and I commend the officers and advisers to the Minister who have been responsible for undertaking the work.

THE HON. F. R. H. LAVERY (West) [9.27 p.m.]: I wish to support the Bill and join with other honourable members in their congratulations for the very fine work that has been done in regard to the revision of our Statutes. It must have been very interesting work because the Statutes concerned cover an interesting period in our history, as the honourable Mr. Heenan pointed out when he referred to different Acts mentioned in the memorandum. Like the honourable Mr. Heenan I believe the explanatory memorandum itself should be preserved in some way.

However, the reason I rose to speak was to ask the Minister to tell us, if he can, when he is replying, whether the Acts referred to on pages 31, 36, and 39 of the memorandum, dealing with the appointment of the Legislative Council in Western Australia—and three Acts are involved, and they will obviously go out of existence—can be preserved in some way for posterity because of their historical value. I think they are of sufficient historical value to warrant their preservation.

THE HON. N. E. BAXTER (Central) [9.29 p.m.]: What I have to say on the Bill will be very brief, but I think members of parliament generally, and particularly those who have raised the subject of the revision of Statutes over the years in this Chamber, and in another place, as well as lawyers and others who find it necessary to refer to Statutes in the course of their business, will be gratified with the move that has been made.

One must congratulate the Minister, the Government, and the officers of the Crown Law Department who were responsible for the revision of the Statutes and for the work in cleaning them up. It would be very convenient to honourable members and to law officers to be able to handle the Statutes not singly, but in numbers. In future we will be able to go to the shelves and obtain the necessary Statutes as we require them, and we will not have to peruse through the deadwood to find what we want.

The Minister should be congratulated on what he has done in this matter. At the same time I congratulate the Leader of the Opposition (Mr. Wise) for his research into this Bill. I know that during the last weekend and for several days afterwards he put in a lot of time and work, as a result of which he was able to give us a very interesting address on this Bill, particularly when he referred to the work of revising the Statutes undertaken in the United Kingdom.

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [9.32 p.m.]: I am very pleased with the reception which this Bill has received. The credit is not due to me but to those who have undertaken the task; I refer to Mr. Clarkson, and Miss Offer of the Crown Law Department. As I explained previously, Mr. Clarkson undertook this task on behalf of the Government, and he was very ably assisted by Miss Offer, a solicitor employed in the Crown Law Department.

The important job which I was able to do was to convince the Government of the value and wisdom to undertake a task of this nature, and to make sufficient money available for the services required. I am particularly grateful for the approach of the honourable Mr. Wise to this measure, and I am equally appreciative of the approach of other honourable members who have spoken. The honourable Mr. Wise is just as enthusiastic about this matter as I am.

The reception which the House has given to this first Bill to revise the Statute law is a very good forerunner to the work which will, no doubt, take some years to complete. It is nice to realise that this Bill will be transmitted to another place for its concurrence, accompanied by the amount of enthusiasm which has been expressed by honourable members.

The accompanying memorandum to the Bill makes interesting reading. The point raised by the honourable Mr. Lavery about the preservation of Bills relating to the Legislative Council is noted. He need have no fear, because those Acts will be preserved in the sessional volumes. The Statutes mentioned by him referred to the changes and numbers of this House.

The Hon. F. R. H. Lavery: And to the foundation of this House.

The Hon. A. F. GRIFFITH: It is undesirable to have permanent records of that nature destroyed for all time, and we must see to their preservation. In

browsing through the folios of the Bill, one item which interests me, as Minister for Housing, a great deal, is an Act which was passed in 1854, or 110 years ago, which authorised the Government to borrow £800 to purchase some building lots in Perth. The debentures were redeemable at the discretion of the executive, and interest not exceeding 7 per cent. was payable half-yearly. It is interesting to note that the Loan Bills and the Supply Bills which this Parliament has passed relate to borrowings at about the same rate of interest of 7 per cent.

In 1855, another Act was passed which authorised the Governor to borrow £7,000, with interest, to erect a Government House in the City of Perth.

The Hon. F. J. S. Wise: We did not have profligate government in those days.

The Hon. A. F. GRIFFITH: In those days they were able to get along with much less money than at present. Another Act which was passed in 1877 prohibited from the 1st November, 1877, the import to or use within the colony of certain dangerous matches. We can pick out some very interesting Statutes which are to be repealed, because they have no spark of life left in them.

The honourable Mr. Wise made reference to the title of the Bill, and he was kind enough to notify me that he was raising the question. That gave me an opportunity to confer with Mr. Clarkson, who states that the modern practice appears to be not to use preambles except in private Bills where they are required by Standing Orders, or in other Bills where some explanation is required. Even in these cases preambles are often superseded by a memorandum explaining the object of the Bill, and this course has been adopted in the present instance.

I recall that a couple of years ago I introduced a measure in this House, and in the course of the debate the honourable Mr. Wise thought it would be of value to have an explanatory memorandum attached to it. In the Bill before us the memorandum gives the reason why each enactment listed for repeal is thought to have no effect, or to have become unnecessary, and the omission of a preamble is merely evidence of a desire to keep the Bill as short and as simple as is reasonably practicable.

If it is decided to make some reference in the Bill itself to the present state of the enactments listed in the schedules, this could be done in any of three ways:—

(a) by a preamble;

(b) by enlarging the long title; or

(c) by including an appropriate reference in the sections of the Bill itself.

Mr. Clarkson thinks the issue is one of style of draftsmanship, and that none of the additions suggested in (a), (b) and (c) would alter the effect of the Bill. The title of the Bill is "An Act to Revise the Statute Law." He suggests if it is desired to make an addition, the following title could be used:—

> An Act to Revise the Statute Law by Repealing Spent, Unnecessary or Superseded Enactments.

The Hon. F. J. S. Wise: I like that title.

The Hon. A. F. GRIFFITH: It seems to add description to the title. This sort of thing was related in a preamble form in the old days, but now we do not use preambles. The suggested title will explain the purposes of the Bill.

The Hon. F. J. S. Wise: What is your reaction?

The Hon. A. F. GRIFFITH: I am anxious to please in a case like this. If the House feels the title would be better expressed in that manner, it would be a very small concession for me to make, and I would be agreeable. I am sure that Mr. Clarkson, as the draftsman, would also endorse such a suggestion. However, it should be appreciated that a reprint of the front page of the Bill would have to be made. I am prepared to do that if, during the Committee stage, the honourable Mr. Wise or other honourable member expresses a desire for it.

I am pleased that is the only matter which is the subject of slight disagreement. I am very happy with the reception of the Bill. This will be the means of giving us a start to law revision in Western Australia, and it is a task which will take some time to complete. I look forward to the time when the Statutes of this State are bound in loose-leaf form, as I demonstrated with the copy that I have prepared.

I again express my thanks to honourable members for the way in which they have received the Bill; and to Mr. Clarkson and Miss Offer for their efforts. The credit is due to them for the amount of meticulous work which went into the preparation of this Bill. With the passing of this measure, I am certain that in the next session of Parliament, a similar Bill will be introduced, as a result of next year's work.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

First to fifth schedules put and passed.

Title—

The Hon. A. F. GRIFFITH: If the honourable Mr. Wise desires to amend the title, I would be quite willing to accept it.

The Hon. F. J. S. Wise: I suggest the Minister should move it.

The Hon. A. F. GRIFFITH: Is it the desire of the honourable Mr. Wise that the amendment be made?

The Hon. F. J. S. Wise: I think the Committee would desire it.

The Hon. A. F. GRIFFITH: We will test the Committee by putting it to the vote. I move an amendment—

> Add after the word, "Law" the words, "by repealing spent, unnecessary or superseded enactments".

The Hon. E. M. HEENAN: I am not greatly concerned about what is done in this matter, but I think the amendment is redundant. If expenditure is involved, I am inclined to think that public money should not be spent in this way.

The Hon. F. J. S. WISE: I take a different view. I am far from being a lawyer—not even a bush lawyer—and we should make the long title of a Bill as explicit as possible.

The Hon. H. K. Watson: To the man in the street as well as to the lawyer.

The Hon. F. J. S. WISE: Yes. That is my view—a very humble view. I have spent a lot of the last 30 years—it is 31 years this year since I first entered Parliament—looking for and through Statutes. It is much easier to find a Statute if the descriptive title is explicit. I support the amendment.

The Hon. H. K. WATSON: I support the amendment for the reason given in my interjection. Prior to our consideration of this Bill I heard the Clerk occupying fully one minute reading the long title of the Natives (Citizenship Rights) Act Amendment Bill. I would suggest that in much the same way as that long title was necessary, the few extra words suggested here are necessary, particularly for Parliamentarians who are not lawyers.

The Hon. A. F. Griffith: That would probably be a preamble in the old method of drafting.

The Hon. H. K. WATSON: Yes. Expense does not come into the matter, and I support the amendment.

The Hon. A. F. GRIFFITH: From the draftsman's point of view the fewer words used to express a fact the better. If something can be expressed in six words rather than 12, use the six! I have often heard this line taken in this Chamber. However, I have had an opportunity of conferring with Mr. Clarkson, who was good enough to come up tonight to listen to the debate, and he feels the amendment does not make any difference. I do not think so, either. In respect of the expenditure, the Bill will have to go back to the printer. The first page will be taken off, reprinted, and restored.

The Hon. H. K. Watson: It will not be the first Bill which has been treated in that way.

The Hon. A. F. GRIFFITH: The honourable member read my thoughts. The only thing I can add is that it will not be the last. I think the logical thing to do is to accept the amendment.

Amendment put and passed.

Title, as amended, put and passed.

Bill reported with an amendment to the title.

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 3rd November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

> That the Bill be now read a second time.

THE HON. N. E. BAXTER (Central) [9.55 p.m.]: In dealing with this measure I would first of all like to refer to the Minister's introductory speech, the second paragraph of which reads—

> It may be recalled that one of the effects of the 1962 amending Act was a requirement for licenses to be payable in the future in advance instead of in arrears as previously. It now appears that some members of the Australian Hotels Association are having difficulty in financing their commitments as a consequence of this requirement.

That is all too true. The days when a publican's general license in particular was considered a gold mine have long since passed and a lot of the licensed houses in the State are finding it difficult to meet their commitments and supply the meals and accommodation to a standard that is really worth while.

The amendments passed between 1959 and 1962 provided a retrospective application in regard to license fee payments, and this hit some of the publicans very hard because the method of calculation of the license fees was at the same time altered. Prior to these amendments the license fee was paid by an annual minimum fee in the first instance, followed by the fact that a licensee had to render a return of the liquor purchased less the cost of duty. Upon that particular sum he paid his license fee at 8½ per cent.

In 1962 we amended this particular section to provide that the future license fee be paid on the gross purchases, including duty at the rate of 5½ per cent. This applied not only to hotels but incorporated clubs and other forms of licenses, and more or less streamlined the license fee paid.

This did create a difficult period because as from the 1st January, 1963, the new license fee, retrospective for the previous six months, was due, and that meant that in addition to this it was payable in advance. So the result was that publicans at that time more or less had to pay practically a double issue, and this took quite a lot of catching up. I feel certain of this because I had experience in the hotel trade for a number of years, and it is not a very easy business to be in today, particularly in some country areas. I think honourable members have heard me expound on this particular subject on a number of occasions in this House, particularly in regard to country hotels, and city hotels rather than suburban ones.

One has only to look around the country to realise that in some small country towns where there are two and up to four licensed premises operating, there is not enough money to make them all payable propositions, by a long shot. I certainly do not know how some carry on from year to year and exist on the small amount of profit—if any—they take.

Clause 2 is really a tidying up provision which gives those with a temporary or occasional license the authority to sell spirits in addition to wine and beer. This was apparently overlooked when the Act was previously amended. Clause 3 is somewhat similar in nature, because an alteration was made so that the title "hotel license" became "limited hotel license." There is another small amendment in that clause in regard to spirits and an Australian wine and beer license.

The main clause of the Bill, however, deals with sections 72 and 73 of the Act and refers to the payment of license fees and the amounts to be recovered within a specified time; and it provides that where the amount is not paid within the specified time an additional 10 per cent. shall be paid to the Licensing Court. Also clause 4 provides for the payment of the license fees. Section 73A is amended by clause 5 to make it possible for a licensee to pay his license fee in four moieties. Whether this will be of great advantage to licensees, I do not know, but I would say it would help them in some degree to meet the commitments under their license.

There is another part of the Act that I wish to refer to and that is section 72 (2). I think something has been overlooked in a small way. Section 72 (2) (a), dealing with fees, states—

> For any house or premises situated within the municipal district of a municipality that under the Local Governing Act is a city or a town.

This struck me as rather peculiar, so I took a look at the Local Government Act and found that the words "of a municipality" are not necessary and should be taken out of this legislation. I should say there should be an amendment to delete the words "of a municapility" in line 5 of the proviso to subsection (2).

The Hon. A. F. Griffith: Would you give me the reference in the Bill?

The Hon. N. E. BAXTER: It is the proviso to section 72 (2) of the Act, dealing with fees. The Bill proposes to amend section 72, but in the principal Act the section provides—

> (a) For any house or premises situated within the municipal district of a municipality that under the Local Governing Act is a city or a town.

Section 9 (6) of the Local Government Act provides—

> (b) On the coming into operation of this Act—
>
> (i) a former municipal district of a city remains the municipal district of the city under this Act;
>
> (ii) a former municipal district of a municipality other than a city becomes the municipal district of a town under this Act.

Therefore I maintain it is only necessary to use the words "for any house or premises situated within a municipal district" and leave out the words "of a municipality."

The Hon. L. A. Logan: They are still municipalities.

The Hon. N. E. BAXTER: That may be so.

The Hon. A. F. Griffith: The Interpretation Act—

The Hon. N. E. BAXTER: This is not the Interpretation Act. The definition of "municipal district" in the Local Government Act is referred to in the Licensing Act.

The PRESIDENT (The Hon. L. C. Diver): Order! I would direct the honourable member's attention to the fact that what he is dealing with now is really a Committee stage matter and can be referred to there.

The Hon. N. E. BAXTER: I was simply referring to this aspect now so that the Minister could have a look at it before we get to the Committee stage. If he so prefers I will take it up with him later.

In dealing with the Act, it is interesting to note the varying minimum annual license fees for a publican's general license, because it states—

> (a) For any house or premises situated within the municipal district of a municipality that under the Local Governing Act is a city or a town—
>
> (i) if the annual value of the house or premises does not exceed five hundred pounds, Fifty pounds;

(ii) if the annual value of the house or premises exceeds five hundred pounds, Seventy-five pounds;

(iii) if the annual value of the house or premises exceeds one thousand pounds, One hundred pounds;

(b) for any house or premises not situated within a municipal district referred to in paragraph (a) of this proviso—

(i) if the annual value of the house or premises does not exceed two hundred pounds, Forty pounds;

(ii) if the annual value of the house or premises exceeds two hundred pounds, Fifty pounds:

Provided also that a minimum annual fee shall be payable on the issue of other licenses, as follows:—

For an hotel license—Twenty-five pounds.

That will now be a limited hotel license. To continue—

For a wayside-house license—Fifteen pounds.

For an Australian wine and beer license—Ten pounds.

For an Australian wine license or an Australian wine bottle license—Five pounds.

For a packet license—Ten pounds.

For a spirit merchant's license—Thirty pounds if the premises are within fifteen miles of the General Post Office, Perth, or twenty pounds if elsewhere.

For a brewer's license—Thirty pounds if the premises are within fifteen miles of the General Post Office, Perth, or twenty pounds if elsewhere.

For a gallon license—Fifteen pounds.

For a canteen license—Fifteen pounds.

For a restaurant license—Twenty-five pounds.

I have referred to these figures, because when the full annual license fee is paid, after the percentage is taken on gross purchases, including the difference that is rebated on the total amount calculated over the year, then in that gross figure is included the minimum fee paid in the first instance.

We recently dealt with the Statute Law Revision Bill, and we were then referred to something that could in a way, although not directly, apply to this measure—the tendency for legislation to accumulate deadwood. I refer to the amendments made in 1962 when the retrospective provisions dealing with license fees were included. Those provisions, in my opinion, have become deadwood, and it strikes me as rather strange that when the present amendments were prepared steps were not taken to strike out some of that deadwood, particularly the deadwood in this clause.

The Hon. A. F. Griffith: This was not intended to be an overhaul of the Act.

The Hon. N. E. BAXTER: I appreciate that, but when amending Bills are brought down, sections of the Acts involved are often repealed; and when we are dealing with this type of legislation it would be convenient and wise to clean out any deadwood. It would not take a great deal of trouble to straighten out the Act so that it would become more understandable to those who have to use it in the course of their business; and I refer particularly to the section which applied retrospectively from the 31st January, 1963, to the 1st July, 1962. If the Minister checks the section to which I have referred he will find some deadwood has accumulated there and should be cleaned out.

I think I have dealt with most of the matters I wished to raise. The Bill is not a large one; it only seeks to deal with matters that were missed previously. The main portion of the Bill is clause 5 which provides that the license fee may be paid in four moieties in order to assist the licensee. I support the maesure.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair;

The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

Title—

The Hon. A. F. GRIFFITH: I do not want the honourable Mr. Baxter to think I am ignoring the remarks he made, but the Bill was not intended to be a revision of the Licensing Act. The Act has something like 250 sections in it, and this measure was simply intended to correct the situation in respect of the payment of license fees and to provide four moieties in the year rather than two. One or two errors were picked up in the process of bringing down the Bill, but the measure was not intended to be an overhaul of the Act. Had it not been for the Australian Hotels Association desiring to have this amendment made, it was not my intention to touch the Licensing Act at all this year, because we gave it a lot of attention last year.

The honourable Mr. Baxter spoke about section 72, but I cannot really see the necessity for any amendment. He did not pursue the matter, so I take it he is satisfied to let it go.

The Hon. N. E. BAXTER: I am not satisfied to let it go, because I think the Government should have a look at the section. When the Minister is dealing with an amending Bill some effort should be made to clean up anomalies. The Minister has seen fit to clean up anomalies previously. There is no need to make an overhaul of the Act. In my opinion if it is possible for such anomalies to be rectified they should be cleaned up.

The Hon. A. F. GRIFFITH: It is purely a matter of opinion whether the words "municipal district" or the word "municipality" are fundamentally different, or whether, one way or another, they should be taken out at this point. This is, I think, splitting straws and, when the honourable member did not pursue the matter I thought I could let it go. However, I did not want him to think I was ignoring him.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and passed.

IRON ORE (MOUNT NEWMAN) AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [10.17 p.m.]: I move—

That the Bill be now read a second time.

This is one of two important pieces of legislation introduced into Parliament, the purpose of which is to ratify far-reaching agreements between the Government and private enterprise with a view to developing large iron ore deposits. The agreement, the subject of this Bill, deals with the mining, transport, shipment, and processing of the enormous deposits at Mount Newman in the Pilbara.

The other agreement, which has been reached and is the subject of a separate Bill, will ratify a revised Mount Goldsworthy agreement.

In the course of a period of about four years, this State has established in an expert and expeditious manner such enormous deposits of iron ore as to permit us to state with confidence that Australia now has no longer any problems in the matter of iron ore security. Companies of Australian and international repute engaged on this work have been largely responsible for this development, having been given the right to explore, with the prospect of the right to develop and establish major long-term operations. These developments, though pursued with an eye on prospective needs of the Japanese steel industry, have generated interest in other countries and I think we may expect, with some degree of confidence, that when the industry is established in the Pilbara on a major basis, exports to other countries, possibly Europe, may become economically feasible.

Honourable members being aware of the nature of agreements already entered into will, I think, readily agree that the Government has endeavoured to adopt a realistic attitude, acknowledging the necessity for offering long-term security on fair and reasonable terms to private enterprise if we are to expect major companies of repute to invest substantial capital sums in remote areas in order to develop mines and towns with railways to transport production to distant ports.

The urgency of development is important so that we may open up areas quickly and on a sufficiently large scale, and the main avenue through which this can be done is the export of what is known as "direct shipping ore."

The Government, nevertheless, is not satisfied to look upon development to that stage as the ultimate, so the agreements provide for processing in varying degrees on a progressive programme, the phases of which I shall endeavour to summarise. Much costly research is being undertaken throughout the world in an endeavour to establish cheaper methods of processing iron ore closer to the actual mining operation, with a view to producing a semi-reduced product, or it is hoped an even more advanced process amounting to direct reduction and the by-passing of the blast furnace.

At this stage, it is difficult to forecast the long-term technological changes likely to occur in the steel industry, but the Government is keeping in close touch with this research, the main spearhead of which appears to be in West Germany and in the United States of America. Much of this research is based on oil fuel, which is important because it has significance in our own State.

Whether or not we locate com- will see that the ports to be developed will accommodate 60,000 ton, and later, 100,000-ton bulk ore carriers to operate on the Pilbara coast. These facilities will permit a ready access for large oil tankers, so reducing transport costs of fuel to the minimum level. Then, if we find oil or natural gas in our own State on a commercial basis, and preferably close to the iron ore deposits at a location such as Barrow Island, the economics of production would be improved even further.

A product such as high-grade pellets, or a semi-reduced or direct production project, could open up to us additional markets with prospects of breaking into the European market. It is envisaged that the combination of high-grade products and large ships will place us in a competitive position with some of the other suppliers and potential suppliers of raw material for the European steel industry.

Nearer at home, the activities of the Japanese steel industry in Australia, particularly in this State, in examining deposits and including all phases such as geology, metallurgy and civil engineering, have been fairly well kept before the public and it might be added that negotiations are at an advanced stage, and all the companies concerned have supplied and are still supplying their required technical, financial, and economic data.

The Mount Newman agreement has been made with a company known as the Mount Newman Iron Ore Company Ltd., a subsidiary of American Metal Climax Inc. and the Colonial Sugar Refining Co. Ltd. Metal Climax is a large American company, having a 55 per cent. interest in the venture; and Colonial Sugar, which is one of our largest Australian companies, has a 45 per cent. interest.

The Hon. F. J. S. Wise: This would be the only company without a ratified agreement by Parliament.

The Hon. A. F. GRIFFITH: No.

The Hon. F. J. S. Wise: What other company is there?

The Hon. A. F. GRIFFITH: The Cleveland Cliffs company has an option over a basic materials area.

The Hon. F. J. S. Wise: I am speaking of iron ore.

The Hon. A. F. GRIFFITH: This is iron ore.

The Hon. F. J. S. Wise: This would be the only company in the Pilbara without a ratified agreement.

The Hon. A. F. GRIFFITH: No; the Cleveland Cliffs company has an interest in the Basic Materials Company which is, I think, controlled by Garrick Agnew and Company. It has an interest in a fairly large limonite deposit and it has no agreement with the Government as yet.

The Hon. F. J. S. Wise: But the people who are the subject of this Bill appear to be near sales.

The Hon. A. F. GRIFFITH: I would not like to say at this stage who is nearest a sale. I should imagine that all companies are doing their best to get into the market.

The Hon. F. J. S. Wise: I am going on public reports.

The Hon. A. F. GRIFFITH: Yes. I think the final conclusion can only be made when we see who does get the contracts. It is good to see Australian participation. The agreement itself is much along the lines of that negotiated with Hamersley Iron Pty. Ltd., and ratified last session.

A main variation provides reasonable protection for the company should it not be successful in negotiating a major iron ore contract during the current negotiations taking place between a number of Pilbara-based companies and the Japanese. This is in accord with our policy of giving reasonable protection to companies which have continuously and efficiently explored their deposits and in a competitive and active manner sought to obtain suitable contracts. Being aware of this, the companies felt, nevertheless, that the Government's purpose should be more clearly expressed in the actual agreement and this has been done. Subclause (4) of clause 5 of the agreement has reference to this aspect.

Its significance is that the company can request an extension of time beyond the 31st December, 1964, within which to make iron ore contracts, provided it is able to demonstrate to the satisfaction of the Minister that it has complied with its obligations and has genuinely and actively, if not successfully, at that point of time, made iron ore contracts on the competitive basis desired and requires, in all reason, an additional period for the purpose of making such contracts. In those circumstances the Minister would grant an extension of six months in the first instance, with possibilities of extension for up to three years. Further extension for an additional two years might be expected unless the Minister shows to the company satisfactory evidence that some third party is able and willing, if made the lessee of the mineral lease, to obtain and duly fulfil the company's obligations under contracts for the sale of iron ore or processed iron ore from the leased areas on terms not more favourable on the whole to the new party than those applicable to the original company.

Beyond this type of extension the Government can terminate the agreement on giving twelve months' notice if the company has not complied with the conditions of the lease. This is independent of any extension which the company might have been entitled to through the delays clause or any other special provisions of the agreement.

I might add in passing that, in view of the fact that this provision was not incorporated in the Hamersley iron ore agreement and in view of the fact also that the agreements are, in most other respects, practically identical, it was considered necessary to offer these amendments to

Hamersley iron and a Bill will be introduced to give effect to these minor amendments with a view to keeping the two companies as comparable as reasonably practicable.

These agreements provide a secure basis on which the companies can negotiate abroad with confidence, accurately assessing their commitments, their costs, and their prices in a highly competitive market. The interests of both the State and the company are protected in the short and long terms.

As already indicated, the agreement covered by this Bill is based on the Mount Newman deposits south of Port Hedland and, as with the Hamersley agreement, it contains provisions under four main headings; namely, Investigation; Export; Secondary Processing; and Iron and Steel.

The company's commitments under these respective headings may be briefly summarised as follows:—

(1) Investigation: Expenditure of not less than £650,000 on geological, geophysical, engineering and other investigations to prove markets and produce plans—by the end of this year—for overseas export of iron ore at the initial rate of at least 1,000,000 a year. It was anticipated that actual expenditure would be considerably in excess of the commitment.

(2) Export: Investment of not less than £30,000,000 on all the facilities for iron ore export. These include a port ultimately capable of handling 60,000-ton ore carriers, a 260-mile standard gauge railway to deliver the ore, towns complete with power and water at the mining and port sites, ore extraction, and handling facilities and roads. Because of the big capital outlay and the huge deposits available, there is no limit on the annual rate of export. If the company wins contracts, exports could be on a large scale—possibly 5,000,000 tons a year—subject to Commonwealth approval. The company should be ready to begin exports three years after its proposals have been approved by the Government, but there are provisions for reasonable extensions of time.

(3) Processing: Investment of not less than £8,000,000 on secondary processing plant with a capacity to treat 2,000,000 tons of ore a year before export. Complete plans of this plant must be submitted for Government approval within ten years of the beginning of exports, and it must be ready to start production two years after that. If the State can be shown that the full 2,000,000 tons cannot be treated on an economic basis at any particular time, it may temporarily reduce this figure, but not below 1,000,000 tons per year.

Royalties are the same as in the Hamersley iron agreement and cover a wide field; namely, direct shipping ore, fine ore, and fines. There is also provision in the agreement for ore which does not fall strictly within any one of these definitions. The direct shipping ore is based on 7½ per cent. of the f.o.b. price with a minimum of 6s. a ton. Fine ore is half this rate. On lower value ores varying royalties would be charged and on ore processed within the State, the royalty would be at the standard processing rate of 1s. 6d. per ton.

The company would also be charged a rental when it chose mineral leases up to a maximum total area of 300 square miles from its 758 square miles of temporary prospecting reserves.

Rents would range from 3s. 6d. an acre for the maximum area down to 2s. an acre for less than 100 square miles. The project is essentially a large-scale one. Without substantial contracts the heavy capital expenditure could not be justified. The company has requested a port site at Port Hedland. This raises complications because the Mount Goldsworthy people also wanted to go to Port Hedland, but in a different location. The Mount Goldsworthy Company wanted its development to take place on Finucane Island, whereas Mount Newman wanted their project to be based on Cooke Point.

The honourable Mr. Wise and the honourable Mr. Strickland will find these areas and locations very familiar.

The Hon. F. J. S. Wise: One of them is going to face the open sea.

The Hon. A. F. GRIFFITH: That is so; one of them will. In accordance with the terms of the agreement, our engineering advisers conferred with both companies in an effort to try and arrive at a common location so as to achieve the maximum rationalisation of port development.

It must be appreciated that projects of this kind involve much more than the actual loading berth and loading facilities as provision has to be made for a large scale rail terminal, stock pile areas and eventually for processing plants. All of these have to be logically located to give the maximum economic result and, in particular, to allow the ship and other loading facilities to be used to the maximum extent. Large-scale dredging operations are involved with both projects and this made it desirable to try to arrive at a solution which would enable a joint construction or at least joint use. The Public Works Department engaged the services of Sir Alexander Gibb & Partners to act as consultants during these discussions. After many days of consultations between the

public works engineers, their consultants and the consultants and representatives of the two companies, it was found impracticable to work out a joint operation. It was eventually decided to approve of Mount Goldsworthy location as Finucane Island and Mount Newman at Cooke Point.

Under the conditions approving the Mount Goldsworthy location, it has been specified by the Government that their berth will have to be relocated from their original position so as to be closer to Hunt Point and not impair the maximum ultimate development of the existing Port Hedland harbour area. Also, they will have to dredge a channel capable of use by ships with a loading draft of 30 feet down to as far as the existing Port Hedland wharf facilities.

The Mount Goldsworthy project did not provide for a commercial port but the provisions of the channel will ensure that there is access to the existing berth area for commercial ships—as distinct from bigger bulk ore carriers to use the bulk loading berths at Finucane Island—of a capacity of 10,000 to 15,000 tons.

The Mount Newman project provides for their bulk loading berths to be in the outer area as distinct from the Mount Goldsworthy bulk ore berths which are to be located in the inner harbour.

However, the Mount Newman company has undertaken as part of its project to develop a commercial port in the inner harbour capable of handling ordinary commercial ships of 10,000 to 15,000 tons.

The net effect of this is that if both companies establish at Port Hedland, there will be a very good channel and commercial port additional to bulk loading facilities for ships varying from 40,000 to 60,000 tons and ultimately 100,000 tons bulk ore carriers. If Mount Goldsworthy only establishes at Port Hedland, there will be a channel dredged down to the existing wharf facilities capable of taking commercial ships of 10,000 to 15,000 tons in addition to the bulk carriers which will use the company's berth at Finucane Island.

The Hon. F. J. S. Wise: It will have to cut a couple of corners off to do that.

The Hon. A. F. GRIFFITH: The plans are very interesting and I can assure the honourable member that a great deal of time has been put into this matter. It is a pity it was not possible to unite these two people at one place.

The Hon. F. J. S. Wise: Are those plans available for review?

The Hon. A. F. GRIFFITH: Ultimately I think they could be, but I would like to be sure before I give an undertaking that they will be available.

The Hon. F. J. S. Wise: They have a terrific local interest.

The Hon. A. F. GRIFFITH: I am sure they have, and I will see what can be done. If only Mount Newman establishes, there will be bulk ore loading facilities to seaward of Cooke Point with a commercial port development within the inner harbour to take commercial ships of 10,000 to 15,000 tons capacity. There are some problems in arranging the necessary areas of high land immediately behind the wharf facilities to provide for stock piling, rail terminal, processing and other requirements. This is something that both the honourable Mr. Strickland and the honourable Mr. Wise will readily appreciate in the land that lies behind the harbour at Port Hedland.

This was one of the factors which influenced the decision to approve both locations and thus avoid any suggestion, at a later date, that the growth of either company was inhibited through lack of land. Yet another land problem is housing, as it should be borne in mind that if both companies establish at Port Hedland and develop as is expected, the population of Port Hedland will be at least 5,000 people compared with the present population of 1,400.

Mount Goldsworthy plans to establish its housing on Finucane Island. To allow for the normal growth of Port Hedland, occasioned by the iron ore development, but additional to the specific housing development related to the Mount Newman agreement, it appears necessary to arrange for the Mount Newman housing area to be established east of the Pretty Pool area. These are details that have yet to be worked out and made the subject of firm submissions by the respective companies.

It might be asked why the two agreements of Mount Newman and Hamersley iron provide for iron and steel. In view of the size of the deposits involved and the long-term nature of the projects, it was felt that both agreements should contain this provision.

However, a study of the agreement will demonstrate that there has been sufficient flexibility written into the agreement to enable the Government of the day to interpret the situation with common sense and in a realistic and practical manner when the time arrives.

No government would expect uneconomic or unrealistic operations to be undertaken, and the provision for periodical review of operations and the power to substitute alternative operators where the company does not meet its commitments gives ample protection to the State on a recurring basis.

In practical effect, this means that when the more advanced stages of the agreement are reached, the government periodically has a three year period in which to install a substitute operator on conditions not more favourable on the whole

than those available to the original company, if it fails to meet its processing commitments.

At the end of this period, there is a period of ten years during which the normal operations can continue if the government has not been able to find a substitute operator. At the end of this ten year period, the three year substitute period is revived, and this timetable continues throughout the life of the agreement until such time as the company has met its full processing commitment.

It appeals to the Government as a practical way of handling the situation which cannot be clearly foreshadowed at such long range. There is some comment regarding the complexity of agreements that exist in respect of the Pilbara field. These agreements were inevitable as no government could expect companies to spend large sums of money and undertake highly skilled work without clarification of their rights on a basis for negotiation.

With the introduction of the Mount Newman agreement and later in the night, the revised Mount Goldsworthy agreement, there will be two major deposits, on which a lot of work has been done, still awaiting agreements.

The Hon. F. J. S. Wise: How long does the Minister think it is necessary for us to look into these two Bills?

The Hon. A. F. GRIFFITH: After seeing the expeditious manner in which the honourable member dealt with the Statute Law Revision Bill, I should imagine he would probably be able to go on tomorrow night; although I am sure he will not take me seriously when I say that.

The Hon. H. C. Strickland: Is not it usual to provide maps with such Bills?

The Hon. A. F. GRIFFITH: I propose to do so if the honourable member will give me a chance. These are the deposits being studied by Cleveland Cliffs and by B.H.P. in the Robe River-Deepdale area. These deposits are of an entirely different nature from those covered by the Hamersley iron, Mount Newman and Mount Goldsworthy agreements, as they are limonitic and therefore essentially processing rather than direct shipping propositions.

There is every prospect of these agreements being completed in time for presentation to the current session. This is desirable so as to clarify the total position within the Pilbara area so far as is practicable at this stage. It will do much to assist in reaching finality in respect of iron ore contracts.

In each of the agreements, the companies involved are experienced reputable companies highly regarded in Australia and abroad. We feel they are companies which will not only actively open up areas for export, if given reasonable contracts by the Japanese, but will also progressively develop their enterprises to provide a reasonable degree of processing within our State.

In conclusion I would like to say that this agreement, which has been referred to as the £78,000,000 agreement, has been drawn up to ensure that the State gains the maximum advantage in the shortest time possible, taking into account the competitive position of other countries and other Australian States. It is designed to provide the basis for the ultimate establishment of a second steel industry for Australia—in Western Australia—and it is hoped that at least one of the companies which have entered into agreement with the State Government will, under the competitive situation which has been developed, proceed to the ultimate objective when the economic potential for a second steel industry is developed. The granting of developmental opportunities over large resources is coupled quite rightly with equally large commitments on the part of the companies. They recognise this and consider it to be absolutely fair.

I would like to lay on the Table of the House a plan showing the temporary reserve areas that have been granted to the Mount Newman Iron Ore Company.

The plan was tabled.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [10.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill, which has come from another place, is to ratify an agreement made with Mount Goldsworthy Mining Associates. It will not, of necessity, be as long in description as was the previous Bill.

This is the third Bill for Parliament in respect of this group. The first was in 1962 and the second, last year. The companies involved are Consolidated Goldfields (Australia) Pty. Ltd., Cyprus Mines Corporation, Utah Construction and Mining Company.

The original agreement was based on the direct exporting of ore and was not related to processing. Since then, the company has expertly and conscientiously undertaken the necessary geological engineering and other research necessary to prove the original Mount Goldsworthy deposit. This work has cost £1,300,000.

Originally, the agreement dealt with what was known as the Mount Goldsworthy deposits, approximately 60 miles east of

Port Hedland. The total investment envisaged at the time was in the vicinity of £12,000,000 and was based on a deep-water port at Depuch Island with connecting railway and requisite handling facilities. The new agreement introduces a change in approach and gives rights to an increased area in return for greatly increased commitments. Depuch has been dropped and Port Hedland substituted.

The Hon. F. J. S. Wise: We forecast that.

The Hon. A. F. GRIFFITH: I am not sure, but at the time I think I can remember you expressing hopes that it would be Port Hedland.

The Hon. F. J. S. Wise: I forecast that Depuch would not do.

The Hon. A. F. GRIFFITH: The decision to go to Port Hedland has been well accepted, I feel sure, by the people in the north. The company still retains its rights over the Mount Goldsworthy area for the purpose of the agreement, which is to be ratified. This is referred to as "Mining Area 'A' ". The two additional areas are referred to as "Mining Area 'B' " and "Mining Area 'C' ". The original Mount Goldsworthy reserve covers approximately 16 square miles. The other two areas represent 252.6 square miles and 650 square miles respectively.

The first mentioned of these additional two areas covers 19 reserves located east, west, and south of Mount Goldsworthy. These have been held by the company as temporary reserves for a considerable time and are now incorporated in the agreement. The new reserve area of 650 square miles is 180 miles south of Mount Goldsworthy. It is important at this point to emphasise that if further investigation does not justify development of the additional areas, the company has a right to surrender them and revert to early arrangements for Mount Goldsworthy area alone, with a direct export commitment only in respect of Mount Goldsworthy area. So, for all practical purposes, it would be along the lines of the original agreement, except that the company has agreed to some amendments which are considered to be in favour of the State.

For example, the minimum royalty previously stated was 7½ per cent. on the f.o.b. price for direct shipping ore with a minimum of 4s. 6d. per ton. The minimum under the new agreement is 6s. per ton and there are corresponding adjustments in respect of ore known as "fine ore" and "fines."

The explanation of the Mount Newman agreement, which dealt with every important aspect of it, contains much of relevance to this ratifying Bill, so I shall endeavour to avoid repetition.

It is important, nevertheless, that I give the House some information about the adidtional commitments the company has accepted in consideration of being given new reserve areas to prospect and prove. The size and nature of the deposits are different from those covered by the Hamersley iron and Mount Newman agreements. It was considered they did not warrant the inclusion of specific provisions in respect of steel. This difference is reflected in the fact that the ultimate stages of processing under this agreement involve a very advanced form of processing, but not the complete stage of iron and steel.

The companys' commitments for iron ore export requirements are set at a minimum of £20,000,000 and are subject to the winning of a contract for export of at least 10,000,000 tons over a 10 year period. The next phase of the operation is a secondary processing phase for the production of pellets or similar blast furnace material. This is to cost not less than £8,000,000 and provide for 2,000,000 tons per year of secondary processing plant capacity. Construction of this phase may be staged so that the capactity of 500,000 tons is ready by the eleventh year, 1,000,000 tons by the thirteenth, and 2,000,000 tons by the seventeenth year. There is then provision for a sum of not less than £20,000,000 to be spent on an advanced form of processing capable of producing 1,000,000 tons of this product per year. Plans for this stage must be submitted not later than year 17; that is, the seventeenth year after the beginning of exports. Construction may be staged so that the capacity for 250,000 tons is ready by the nineteenth year; 500,000 tons by the 21st year; and 1,000,000 tons by the 26th year.

The Hon. H. C. Strickland: Our beards will be white by then.

The Hon. A. F. GRIFFITH: That could be so. I feel it will be so, particularly in my case.

The Hon. F. J. S. Wise: I think I will be wondering what the harps are playing for.

The Hon. A. F. GRIFFITH: I hope you are if that is the reward you are entitled to have in another 21 years.

The Hon. H. C. Strickland: Tell us something that might happen in the near future—during our lives.

The Hon. A. F. GRIFFITH: What will be happening during the lifetime of the honourable members is a tremendous start on these things; and there has to be a start somewhere. A tremendous amount of exploration and discovery has gone on in recent years which will lay the foundation of these things for years to come. If we could be here in the years I am talking about, I feel quite sure these will be the foundations upon which the dividends of the future will have been laid.

There is little to add with respect to port location to what is contained in the explanation of the Mount Newman agreement Bill, so, proceeding, I would point out that in the drafting of this agreement, efforts have been made to relate it as closely as practicable to the Mount Newman and Hamersley iron agreements, although honourable members will realise that it is impossible to make this apply to all provisions due to the background of the Mount Goldsworthy original agreement and the different size of the total deposits to which Mount Goldsworthy now has access as compared with those covered by the other two agreements.

The Bill is commended to honourable members as constituting a desirable and necessary step towards the maximum development of the Pilbara iron ore field. In a similar manner as the companies involved in some of the other agreements, the three companies which comprise Mount Goldsworthy Mining Associates, and which are combining as Joint Venturers in this agreement, enjoy international repute as strong and highly respected companies well experienced in this particular field. They have been very active in the exploration phase and are equally active in their endeavours to negotiate iron ore contracts. It is in this field that their wide experience in other parts of the world will stand them in good stead and should, it is hoped, react to the benefit of this State.

It is not feasible, of course, nor possible at this stage to predict which of the companies will receive contracts for the mining and export of iron ore from the Pilbara. It would be very welcome, though not likely, that they all will be able to obtain contracts, at this juncture, of sufficient size to warrant the heavy capital expenditure involved under the terms of the respective agreements, but we are hopeful that at least one or more will receive contracts in the reasonably near future.

The terms of the agreements are such that those who have conscientiously explored and proved their areas and have conscientiously and competitively negotiated for contracts will be protected for a reasonable period so that they can participate in what would appear to be an inevitable second wave of contracts if the Pilbara region of this State is to supply the proportion of the Japanese and other overseas markets which, we feel, is a reasonable expectation.

These things cannot all be achieved immediately, but with the proved reserves and the calibre of the companies involved, we should see an ever expanding volume of iron ore in raw and later in processed form going to the steel industries of the world from the Pilbara.

The developments expected will have a much more far reaching effect than those contained in the mining, processing, and exporting of iron ore itself, because the establishment of towns, railways, roads, and ports of great capacity will encourage other operations which, at the moment, have no certain economic appeal but which, as a result of the development envisaged as a consequence of a possible expenditure of £48,000,000 by Mount Goldsworthy Mining Associates, might well be regarded as highly economic.

In conclusion, I would like to elaborate a little further on the interjection made by the honourable Mr. Strickland. These companies are well known and are of world repute. They have spent a great deal of money proving the basic existence of these mineral deposits; and this, after all, is the first essential. If a company is going to develop mineral deposits we first must discover them, prove them, and drill them.

The Hon. H. C. Strickland: Hancock discovered them.

The Hon. A. F. GRIFFITH: Hancock lays claim to have discovered some of them, which may be right, but he did not discover them all.

The Hon. H. C. Strickland: I told you we stubbed our toes on it and you did not believe me.

The Hon. A. F. GRIFFITH: I did not say to the honourable member that I did not believe him.

The Hon. H. C. Strickland: You would not support us.

The Hon. A. F. GRIFFITH: The honourable member is drawing another line.

The Hon. H. C. Strickland: No, I am not.

The Hon. A. F. GRIFFITH: The honourable member is.

The Hon. H. C. Strickland: You, personally, fought very hard.

The Hon. A. F. GRIFFITH: The thought we had at the time had nothing to do with Pilbara. According to my recollection, the Pilbara iron ore deposits may have been known, but certainly they were not mentioned.

The Hon. H. C. Strickland: They were known.

The Hon. A. F. GRIFFITH: They were not mentioned.

The Hon. H. C. Strickland: They were.

The Hon. A. F. GRIFFITH: I do not recollect that. Continuing, these companies have now laid the basis for what could be great development in the north in the future, and I would think the attitude to take should not be that it is suspect, and that a lot has been said without any development. The attitude should be one of encouragement, in the hope that some of these companies do get contracts, because in their success in getting contracts lies the development of the north

of this State, unparalleled in the State's history. I have a great confidence and hope that we will see this in our lifetime.

The Hon. H. C. Strickland: I am glad you have changed your mind.

The Hon. A. F. GRIFFITH: I have not changed my mind at all.

The Hon. H. C. Strickland: Yes, you have.

The Hon. A. F. GRIFFITH: No; for the five years that I have been in this job, I have given encouragement to the greatest extent possible.

The Hon. H. C. Strickland: You opposed it in our time.

The Hon. A. F. GRIFFITH: We opposed the development of a State-owned iron and steel industry in the south-west.

The Hon. G. C. MacKinnon: A charcoal iron and steel industry.

The Hon. A. F. GRIFFITH: Yes, a charcoal iron and steel industry financed by government money and run by the State, together with the export of 1,000,000 tons of iron ore.

The Hon. H. C. Strickland: Which you opposed.

The Hon. A. F. GRIFFITH: It was said justifiably at that time that Australia did not have sufficient iron ore for it to be exported.

The Hon. F. J. S. Wise: Do you think Sir William Spooner had an idea it was different?

The Hon. A. F. GRIFFITH: I could not say.

The Hon. F. J. S. Wise: It is on record; he did express that in the Press.

The Hon. A. F. GRIFFITH: I would not know.

The Hon. H. C. Strickland: We read the different mind of Arthur Fadden.

The Hon. A. F. GRIFFITH: Yes, and I found out what was in the mind of Arthur Fadden at a later date, but that has nothing to do with this situation. The position we are now seeking is in the hope that these deposits will be developed.

The Hon. F. J. S. Wise: Do you think we are fairly close to a contract of sale?

The Hon. A. F. GRIFFITH: That would be an extremely dangerous statement for me to make.

The Hon. F. J. S. Wise: That is the 74 million dollar question.

The Hon. A. F. GRIFFITH: It is the prime question of the day. All I can do is to repeat what I said when I was delivering my notes that we hope these companies, one or more of them, are near getting contracts of sale.

The Hon. F. J. S. Wise: You would not have a plan of the Port Hedland proposal, would you?

The Hon. A. F. GRIFFITH: No, but I have a plan associated with this Bill which I will lay on the Table of the House. It is a plan of the Mount Goldsworthy Associates reserves showing the reserves as areas "A," "B," and "C."

The plan was tabled.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

ELECTORAL ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [11 p.m.]: I move—

That the Bill be now read a second time.

It is not my desire to keep the House much longer, but I did want to deliver my second reading speeches to the two previous Bills; and I would like to deliver the second reading speech to this Bill in order that sufficient time will be given to go through its contents.

I have actually had this Bill ready for some time waiting for the assent of the first Electoral Act Amendment Bill which was dealt with earlier in the session. I could not introduce this one until the previous one had been assented to. Therefore this is the second Bill presented to Parliament by the Government to amend the Electoral Act.

The first Bill contained amendments to provide for adult franchise, compulsory enrolment and compulsory voting for the Legislative Council, and other alterations considered necessary to follow the amendments made to the Constitution Acts Amendment Act in 1963. The proposed amendments contained in this second Bill, some of which are minor in nature, are intended for better operation and administration of the Electoral Act, and I consider they have a lot of merit.

Whilst it is not my intention at this juncture to explain the Bill clause by clause, as I consider the measure is substantially one for consideration in Committee, I will briefly explain some of the clauses.

The main amendment in clause 6 is required to correct an anomaly which exists in section 18 of the parent Act, under which an aboriginal native of Asia, Africa or the islands of the Pacific, who is a citizen of a non-British country, can become entitled to enrolment and to vote because he can become a naturalised Australian citizen; whereas an aboriginal native of British countries of Asia, Africa, or the islands of the Pacific can never become entitled to enrol and to vote as he is unable to surmount the disqualifications contained in subsection (d) of section 18

by reason of the fact that he can become an Australian citizen only by "registration," and not by "naturalisation."

There was a similar provision of disqualification in section 39 of the Commonwealth Electoral Act, but that disqualification has been removed and a new section, similar to that contained in paragraph (b) of clause 6, inserted. Clause 7 contains an amendment to section 38 of the Act to facilitate proceedings in regard to actions for non-enrolment.

The amendment in clause 8 is to enable the acceptance of claim cards from eligible claimants who are unaware of their actual date of birth, but who know the year they were born. Section 44 now provides that the date of birth is an essential part of a claim. Clause 15 varies the provisions in section 81 to permit of a deposit on a nomination being made in money, or by a cheque drawn by a bank upon itself.

Clause 17 is to amend section 86 to provide for the returning officer to issue a receipt for each nomination and deposit received. Clause 19 is to amend section 92 to clarify the position in regard to the rejection of postal ballot papers for the reason that the accompanying declaration is not in order. The amendment in clause 23 is to insert in section 114 a provision that no person who is a member of Parliament shall act as a scrutineer at a polling place during the hours of polling.

Clauses 27 and 28 are to amend sections 139 and 140, respectively, in regard to the informality of votes. The amendment in clause 31 reduces from 42 days to 21 days the time allowed under section 156 for an elector to reply to a notice seeking the reason why he failed to vote. The period of 21 days is considered adequate.

Clauses 32 to 36 amend sections 174 to 178 of the Act in regard to electoral expenses. In this Bill the amount allowed a candidate for a Legislative Assembly election has been increased from £250 to £500, and the sections of the Act in regard to the expenses allowed have been redrafted.

Clause 37: The amendment sought in clause 37 is to section 187 to permit of committee meetings being held in a hotel room apart from the section where liquor is normally sold. In some small towns this is the only suitable location available.

Clause 38 is to amend section 189 to cover the position where it has been the normal practice for a candidate to present a certain prize over recent years.

The amendment in clause 39 is to section 190 to make it an offence for any officer or scrutineer to wear a badge or emblem of a candidate or a political party in a polling place.

I will explain the amendments sought in each clause when the Bill is in Committee. I do not think there is any need for me to say any more, except that following the consideration of the first Electoral Bill I went through the Electoral Act with the Chief Electoral Officer, and we picked out a number of things which in his opinion, and in mine, could well be brought to Parliament for consideration; and they are contained in this Bill.

As I have said, the Bill is basically one for consideration in Committee and, with the exception of the second reading, the matters contained therein could most suitably be dealt with in the Committee stage.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

House adjourned at 11.8 p.m.

Legislative Assembly

Wednesday, the 4th November, 1964

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