All the provisions relating to the withdrawal of cheques authorised by resolution of council were included in the 1949 Bill and were not altered by the Royal Commission.

Those are the principal matters raised by the member for Stirling and repeated frequently during the debate. It was only on very rare occasions that some other provision in the Bill was mentioned. I say again, I believe that the Government is quite justified in incorporating in the Bill what it thinks is required in the interests of the community, even though it may not have been recommended by the Royal Commission. In itself I believe the Bill provides a framework from which quite a workable Act could eventuate. If we approach it in the right light and in the right spirit, it would possibly take a month or six weeks to get it through the Committee stage. It might not be possible to get it through this session because I should imagine that immediately the controversial clauses come up in Committee, the same people would raise the same arguments again. That is all I have to say in connection with the measure.

Question put and passed.

Bill read a second time.

House adjourned at 11.36 p.m.

Legislative Council

Wednesday, 3rd November, 1954.

CONTENTS.

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

AUDITOR GENERAL'S REPORT.

Section "A", 1954.

The PRESIDENT: I have received from the Auditor General a copy of Section "A" of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1954. It will be laid on the Table of the House.

QUESTION.

RAILWAYS.

As to Fires Caused by Locomotives.

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

In view of the unusually dry conditions that have been experienced this year and the resultant increased fire menace throughout country districts, can the Minister inform the House—

(1) Has the Government any plans to obtain Newcastle coal for use in locomotives in areas where high fire hazard exists?

(2) How many oil-burning engines and diesels are available for use in these areas?

The CHIEF SECRETARY replied:

(1) Yes. The anticipated consumption of Newcastle coal for the current year is 14,440 tons. This is to cover normal requirements; and, in addition, for use during the period of the miners' Christmas and New Year holidays, as the storage of Collie coal in open trucks causes it to weather and increases the fire hazard when used.

(2) At present there are 18 oil-burning locomotives and eight "X" class diesel electric locomotives in service. Four more "X" class are expected by Christmas, after which deliveries at the rate of three per month are anticipated.

BILL—BUSH FIRES.

Third Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.37]: I move—

That the Bill be now read a third time.

HON. L. C. DIVER (Central) [4.38]: I have now some information which was not available when the measure was being debated. It is fit and proper that I should give this information to the House before the Bill passes the third reading, for it will amply illustrate to members that there are shortcomings in this Bill, particularly as it applies to the Commissioner for Railways, who could not, under the measure, be proceeded against as

would an ordinary individual. The information I have comes from the Kellerberrin Bush Fire Brigade. It is an extract from the captain's report of the brigade's activities during the 1953-54 season. The report says—

22nd. Oct., 1953.—Fire truck with 6 to 8 men attended a fire in Braysher's property. Two trucks from Doodlakine also attended. Fire caused by train.

22nd. Oct., 1953.—Two minor fires attended by Deputy Capt. T. F. Gibbs and son in railway property, 2 miles east of Kellerberrin. Fires caused by train.

26th. Oct., 1953.—12 noon. Fire truck attended fire 2 miles east of Kellerberrin; 5 men extinguished with knapsack sprays. 12.45 p.m. Fire at west of town extinguished with bushes. Both fires caused by train.

4th Nov., 1953.—9 miles of firebreaks burned along highway parallel with railway.

5th Nov., 1953.—1½ miles of firebreaks burned along Barne's-rd.

6th. Nov., 1953.—11.30 p.m. Fire truck attended fire in railway property 1 mile east of Kellerberrin. Fire extinguished with knapsack sprays. 15 men. Fire caused by train.

10th. Nov., 1953.—2.15 p.m. Fire truck and 14 men attended fire at Dyer and Chambers property; also 3 Mt. Caroline and 3 Tammin units attended. Many acres of feed lost. Fire caused by train.

14th. Dec., 1953.—Fire truck and approx. 20 men attended a fire at Morgan's, Elder Smith & Co. and the Kellerberrin Hill. Fire caused by spark from Government pumping station.

15th. Dec., 1953.—5.30 p.m. Fire truck attended breakout of above fire. 6.15 p.m. Fire truck attended 2 miles east of Kellerberrin. Put out with knapsack sprays. Fire caused by train.

17th. Dec., 1953.—Fire truck and 16 men assisted Doodlakine brigade with fire east of Doodlakine. Fire caused by train.

22nd. Jan., 1954.—4.15 p.m. Fire truck and men attended fire at Lamplugh's property west of Kellerberrin. Truck broke down. 100 acres of feed lost. Fire caused by train.

11th. Feb., 1954.—7.30 p.m. Fire at C. H. McClelland's property. 7 men and train crew attended. Excellent co-operation by train crew which was the first occasion. Fire caused by train.

17th. Feb., 1954.—12.30 p.m. call to A. Forsyth's property, burning of firebreak out of control. Fire truck and 5 men attended. Fire caused by farmer.

In the last instance that farmer would be held responsible at common law for the outbreak; but in the other cases the Railway Commissioners would not be held liable, they having denied responsibility. Consequently, in passing the Bill, members will surely agree with me that it is not in all respects fair; and I am satisfied that provision should be made to hold the Railway Commissioners responsible for the fires caused by locomotives. I can only hope that our bush fire brigades in various parts of the country will have extracts made from their captains' reports so that the position of the Railway Commissioners will become untenable, and public opinion will be such that the Minister for Railways and the Government of the day will be compelled to shoulder the responsibility that should rightly rest upon them.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

BILL—PHARMACY AND POISONS ACT AMENDMENT.

Second Reading.

HON. R. J. BOYLEN (South-East) [4.45] in moving the second reading said: This is a very short Bill, its object being to restrict the ownership of pharmacies and restrict people permitted to operate pharmacies to registered and qualified pharmaceutical chemists. I propose to give a few reasons why the Pharmaceutical Council desires that these amendments should be made.

Section 44 of the Act restricts the ownership of a pharmacy to (a), a pharmaceutical chemist; (b), a friendly society; and (c), a medical practitioner, except such persons or companies as were operating a pharmacy when the Act was amended in 1937. The latter part applies to such pharmacies as those conducted by Boans and Foy & Gibson.

Provision for a medical practitioner to carry on such business was included in the original Act of 1894, at which time it was customary for doctors to supply medicine to their patients. It is obvious that, in those days, this was probably a necessity, because there were many doctors in country centres where there were no pharmacies and, but for this provision, medicine might not have been available for the residents of those districts.

In the absence of evidence to the contrary, it is reasonable to suppose that the section was included in order to provide for this service, although it might have been done without giving the right to conduct an open pharmacy and trade with

the public generally. In the intervening years, the only doctor to exercise this latter right was formerly a pharmaceutical chemist, who retained ownership of his pharmacy after he had qualified as a medical practitioner. That pharmacy is still in existence; it is under the managership of a pharmaceutical chemist and is not now conducted by the doctor.

It has come to the notice of the Pharmaceutical Council that a doctor who, so far as has been ascertained, has never been registered as a pharmaceutical chemist, intends to open a pharmacy in the metropolitan area, and to conduct it in addition to his medical practice. This is considered to be unethical and undesirable from the point of view of both professions, and not in the public interest.

It is admitted that in some instances, particularly in areas where the services of a pharmaceutical chemist are not available, it is necessary for a doctor to supply medicine to patients. This is provided for in the proposed amendment. However, this is quite different from conducting an open pharmacy at which a complete pharmaceutical service is expected, and for which medical practitioners are not adequately trained. A pharmaceutical chemist has to undergo a course of four years' apprenticeship and academic training in order to qualify. It is doubtful whether in any of the medical curricula more than a few months' instruction is given in materia medica, pharmaceutics and dispensing, the subjects upon which the pharmacy course is based.

The Pharmaceutical Council has consulted the B.M.A. and obtained its agreement to the proposed amendment. As the conducting of a pharmacy by a medical practitioner is contrary to the ethics of the B.M.A., it appears that the type of doctor who would engage in such business would disregard all professional ethics, either medical or pharmaceutical.

It might be argued that the pharmacy would be under the management of a qualified chemist. At present the number of qualified managers available is very limited; and in the event of a doctor's having commenced trading, and finding himself unable to obtain or keep a manager, he would be subject to the temptation of leaving his pharmacy without qualified supervision while attending to his medical practice.

There are numerous other reasons for this amendment, which might be stated briefly as follows:—

(a) The public should have the right of free choice of chemist. In the case of a doctor owning a pharmacy, he would be subject to the temptation of writing prescriptions in cipher, which would not be understood by other chemists, thereby compelling the patient to obtain the medicine from one pharmacy.

(b) The doctor would be tempted to unnecessary or expensive prescribing if he were in a position to secure profit from the prescription as well as his fee for medical service. In short, patients would be likely to be given a prescription whether necessary or otherwise. The disregard of medical ethics already referred to makes this a very real possibility.

(c) In ordinary practice the chemist frequently detects overdoses and incompatabilities in prescription. These are referred back to the prescriber for correction before dispensing. If the doctor were also the dispenser, the public would lose this added protection.

(d) There have been instances of collusion between doctors and chemists in attempts to defraud the Commonwealth Government in connection with pharmaceutical benefits. So far this has occurred only rarely. The existence of a system under which a medical practitioner could provide both services would seem to offer greater opportunity to the unscrupulous for dishonest exploitation of public funds.

Finally, I suggest that as this amendment has the support of all responsible bodies likely to be interested or affected, it should not meet with opposition. As negotiations in the case to which I have referred have been commenced, and because of the possibility of others finding inspiration in the near future to do likewise, the need for taking immediate counter-measures is apparent.

There is not much more that I desire to add, except to say that I think the facts I have given will show that it is hardly right for a doctor to be permitted to conduct a pharmacy as well as medical practice. Under the Act at present, the provision made for doctors is far more generous than that for the pharmaceutical chemist, who has to pay certain fees in order to practice, as well as the fee for his poison licence, and so on. If a doctor were to open his own pharmacy, he would not have to pay those fees; and I think it is obvious that he could not give the public the service that the pharmaceutical chemist can give. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—RADIOACTIVE SUBSTANCES.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Interpretation:

Hon. J. G. HISLOP: I move an amendment—

That the definition of "dentist" in lines 5 to 7, page 2, be struck out.

I am given to understand that certain dentists in the Eastern States are undertaking research work on dentine and the enamel of teeth, and that the work involves the use of radioactive isotopes. If the Bill became law in its present form, dentists would have the complete right to use radioactive substances in their ordinary practice, and I do not think that is intended. I have no objection to the use of such substances in a research institute, but do not think the dentist in ordinary practice should be permitted to use them.

Our dentists as yet have had no training in the effects on the human body of the use of radioactive substances. It takes a person skilled in blood disorders, and with a thorough knowledge of bone marrow and liver conditions to understand the effects of radioactive substances on the body, particularly in the case of radioactive phosphorus or radioactive iodine, which have been used for thyroids, and so on. The safe use of those substances requires a great deal of technical knowledge. There is plenty of time ahead of us before research work on these lines will be done in this State; and therefore I would like to see the amendment agreed to, at all events until we have a medical school established here.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The official version of why dentists are included is that dental surgeons use radioactive substances in research work on teeth. Oral surgeons, who have only dental qualifications, operate on the jaws and teeth, use radioactive substances, and are more qualified to do these things than is the average medical practitioner. There is therefore no reason why this right to practise should be taken from them. Their fitness to use these substances will be ascertained before they are granted licences in this regard, just as the fitness of a medical practitioner in this respect will be ascertained. If dentists are denied the opportunity of obtaining licences in this State to use radioactive substances, they will be at a disadvantage as compared with dentists in other States, and the status of our dental school will suffer. I do not see what bearing the establishment in this State of a medical school has on the question.

Hon. J. G. HISLOP: The Chief Secretary said that the radio isotopes will be used by dentists in research; but until research facilities are established here, I think it unsafe to include in the Bill a provision giving dentists perfect freedom to use these drugs, even if the persons concerned are licensed by the council. Dentists should not be allowed to use these substances until the proper research facilities are established in this State, in order that the effect on the human body may be ascertained. To say that dentists have more knowledge or ability to use radio isotopes than has the average medical practitioner is absurd.

The average medical practioner has no knowledge of radio isotopes, and will not expect to use them; but if the amendment is not agreed to, the average dentist, with still less knowledge in this regard, and with no training at all in the use of radio isotopes and their effect on blood, will be able to use them. This is an attempt to frame a Bill suitable to all States, and we have been told already that it will be suggested as a model to be adopted by the other States. In some centres in Sydney and Melbourne, research could be conducted by dentists in research units at the universities; and there it would be safe to carry out work of this nature, because they would have the assistance of skilled medical practitioners.

Hon. L. Craig: This amendment would preclude all dentists from using these substances, I take it?

Hon. J. G. HISLOP: Yes, until we have here the proper facilities. At present, there are no dentists here, and very few medical practitioners, qualified to handle radio isotopes.

Hon. L. Craig: What about the occupier of the Chair of Dentistry at the University?

Hon. J. G. HISLOP: He occupies a chair of research.

Hon. L. Craig: But the amendment would preclude him.

Hon. J. G. HISLOP: Yes, because he has not the facilities to do this work. However, if the hon. member wishes to move a further amendment allowing this work to be undertaken at a dental hospital, under proper conditions, I have no objection. It would be safer to leave the provision out of the Bill until such time as dentists are able to control this work. Radio isotopes are shockingly dangerous As yet they have not been in use to any extent in this country. It is an entirely new medical treatment, and would require to be under the control of a highly skilled man. Even a professor of dentistry may not have any knowledge whatsoever of their effect on the bloodstream. He must have a team to assist him in this work. Until that time arrives, it would be foolish to include such a provision in the Bill.

The oral surgeons in this town have qualified in the ordinary way as dentists, and have merely decided that they will limit themselves to such work. I doubt whether oral surgeons have any special qualifications other than to carry out the work that is done by ordinary dentists. I would strongly oppose the use of radioactive substances by any medical practitioner. This subject is so new that sufficient knowledge of it has not been obtained by members of the medical profession. I think it would be wise to limit its use to research units only, and I propose to move accordingly.

The CHIEF SECRETARY: Although I admit that Dr. Hislop knows more about this subject than I do, I want to draw attention to the fact that, when introducing the Bill, I told members that it was a model measure drafted at the request of the Commonwealth so that we could get reasonable uniformity in each State. When the model Bill was drafted, the members of the committee from other States insisted that dentists be allowed to apply for a licence to administer radioactive substances to human beings. The dental research units are already using radio isotopes, and these are being administered by dentists.

Further, at the session of the medical council held during May last, it was reported that a draft of the Radioactive Substances Bill, for introduction in the Commonwealth Parliament, had been approved by the Federal Council of the B.M.A,. and by the College of Radiologists of Australia and New Zealand. So the Bill has been drafted after a great deal of consultation, and it has received the approval of those two bodies. It is not a measure that has been submitted by a State department only.

Hon. L. Craig: The man who uses these substances must be specially registered, wherever he may be. In other words, he must be qualified to use them.

The CHIEF SECRETARY: The Bill is a model for introduction in all States, and has received the approval of the British Medical Association and the College of Radiologists of Australia and New Zealand.

Hon. J. G. HISLOP: I will oppose this as long as I have breath, because I think it is all wrong. I know that when the Bill was drafted, the members of the medical profession in this State objected to the word "dentists" being included in it; and the members of the research units in each State decided that dentists should be precluded from this work.

Hon. Sir Charles Latham: Will these substances be used only for research work?

Hon. J. G. HISLOP: Yes. It is all very well for the Chief Secretary to say that the College of Radiologists has given its approval. It would, of course, approve if these substances were being used by a research unit and the dentists had sufficient qualifications. When this measure was being considered, a query was raised as to what a dentist knew about haematology and the effect these substances would have on the bloodstream. Now that I have had further time to consider the matter, I realise that a professor at the university holds both a dental and a medical degree. He, of course, would be a qualified man, and could be registered to use these substances.

The Chief Secretary: Was the man who discovered the atom bomb qualified in any way?

Hon. J. G. HISLOP: No; he was not qualified to work on human beings. It is dangerous to use these substances without having proper knowledge of them. I will endeavour to sway the Committee against this provision as strongly as I can.

Hon. Sir CHARLES LATHAM: I am afraid I have to be guided by the advice of Dr. Hislop. I know the Chief Secretary is in an awkward position, because he knows as much about this matter as I do. He has, of course, the advantage of the advice given by his officers. If this is a dangerous substance, and is used only for research work, I would like to know where the research work will be done in this State. The Chief Secretary might tell us that it will be performed in the dental hospital, but I do not know what facilities that institution has to use such substances. If the other States of Australia are much more advanced than we are in this subject, they will not be prevented from using such substances if we do not agree to the Bill. I think we might postpone its passage until we have received more information about it. We have had enough trouble with electricity without deliberating on matters about which we know nothing.

The Chief Secretary: You would not put off the use of electricity for 12 months until you had complete knowledge of it?

Hon. Sir CHARLES LATHAM: There are so many people who do know something about electricity. Only recently, however, a man who was employed by the S.E.C. caught hold of a live wire at Bridgetown and lost his life. There is no great hurry for this legislation, and Dr. Hislop has advised that we could leave it alone for another year or so.

Hon. L. CRAIG: I hesitate to enter into this controversy. I find nothing in the Bill dealing with research. There are only provisions restricting the use of radioactive substances. It is provided that no doctor shall administer them to any human being. Nobody can handle these substances until he has been granted authority to do so. A highly trained dentist is much more capable of using them than a badly trained medical officer. Whether the person be a layman or a professional man, he will be examined by a council to ascertain if he is competent to use these substances.

The council is to consist of five persons, including a radiologist; an engineer of the Metropolitan Water Supply, Sewerage and Drainage Department; a physicist; a physiologist or biochemist; and an x-ray engineer. The council is to have the authority to grant a man the right to use these substances irrespective of what his profession is. A doctor and a dentist are mentioned only because they treat human beings. But anybody else can apply for a licence to treat animals, for example. I can see no objection to that; nor can I see why any specific profession, such as the dental profession, should be excluded from applying for the right to use these substances. There may be some dentists who are quite competent to handle them, but there may be many medical men who are incompetent.

Hon. J. G. HISLOP: I realise that that could happen because, as a rule, Mr. Craig considers that my advice on medical matters is not as sound as it might be.

Hon. L. Craig: Not at all.

Hon. J. G. HISLOP: During my period of about 11 years in this Chamber, Mr. Craig has always voted against something that I have put forward as a fact. Let us study what Mr. Craig has said on this subject. He said that there is no difference whatsoever between the two professions.

Hon. L. Craig: I said that I can see no difference.

Hon. J. G. HISLOP: That is probably safer. There is a tremendous difference between the two. One is trained in the basic laws that will govern the use of such substances, and the other is untrained. Until a dentist is so trained, I cannot see any body allowing him to use such substances except in research. On this council of five there is to be one medical man who is a radiologist. There is not even to be a physician on the council, who would know the effect of these substances on a human being. This is the council which is going to decide whether such a person is fit to carry out the work. The wording of Subclause (2) of Clause 11 means that a licensed dentist would be able to allow his nurse to handle a radioactive substance. We already know the nature of the training of a dental nurse, because the subject was discussed here a couple of years ago, when the qualifications of dental nurses were considered. In my opinion, as a man who has spent 25 to 30 years of his life treating human beings, this is a dangerous proposal.

The CHIEF SECRETARY: I want to impress upon Sir Charles Latham, who is accepting the word of Dr. Hislop, that the versions I have given on this matter were not from laymen, but from people in the same profession as Dr. Hislop. This was put up by the Health Department and the responsible officer there is the Commissioner of Public Health, who is also a medical man like Dr. Hislop.

Hon. Sir Charles Latham: What would be his qualifications in respect of these substances?

The CHIEF SECRETARY: What would Dr. Hislop's qualifications be?

Hon. Sir Charles Latham: He is very cautious.

The CHIEF SECRETARY: I am pointing out that the persons responsible in this State for putting up the Bill hold similar qualifications to those of Dr. Hislop. In all professions, differences of opinion will be found. Even in our profession there are differences of opinion on many questions.

Hon. Sir Charles Latham: That is just as well.

Hon. H. Hearn: How long has it been a profession?

The CHIEF SECRETARY: Dr. Hislop has very strong views on this point, but they are not shared by the sponsors of the Bill.

Hon. J. G. Hislop: Is that true?

The CHIEF SECRETARY: As far as I know, yes.

Hon. J. G. Hislop: Would you like to hold up the Bill and find out?

The CHIEF SECRETARY: As a matter of fact, I referred the hon. member's comments to the Commissioner of Public Health, who supplied the notes which I have on the subject.

Hon. Sir Charles Latham: He is responsible for the Bill, I presume?

The CHIEF SECRETARY: Apart from him, there is another medical man in the department with whom I would assume the commissioner discussed the matter. I would emphasise what I said previously: that this has been approved by the Federal council of the British Medical Association—not by the association in one State, but by the Federal council—and by the College of Radiologists. Furthermore, the need for satisfactory control was discussed on several occasions by the National Health and Medical Research Council of Australia. I am indicating that this has not been put up by laymen, but by men who, with all due respect to Dr. Hislop, are just as qualified as he on this subject. This has been submitted in all sincerity for adoption throughout Australia as a pattern.

Hon. L. C. DIVER: I would like to ask the Minister whether I heard him aright when he said that one of the members of the Council would be an engineer of the Metropolitan Water Supply, Sewerage and Drainage Department.

The Chief Secretary: Yes.

Hon. L. C. DIVER: I was wondering what that individual would know about this subject. What is the reason for the inclusion of a man with a training such as his?

The Chief Secretary: In the sewerage system there are a lot of radioactive substances, and he would know a good deal about them.

Hon. Sir CHARLES LATHAM: I am becoming more confounded than ever. The first thing I want to know is whether, if we do not pass this clause, it will mean that anybody can engage in this activity.

The Chief Secretary: No.

Hon. Sir CHARLES LATHAM: I would think that nobody would be permitted to use radioactive substances without being qualified to do so. By the Bill, we propose to give two professions—the medical and the dental professions—the right to use these substances. As to the composition of the council, I would say that the radiologist would know something about the matter. I remember that the lives of two men were sacrificed in this State in the cause of radiology.

Hon. R. J. Boylen: There was no training then such as there is today.

Hon. Sir CHARLES LATHAM: I admit that. I want to avoid anything of the kind happening in this instance. We need very qualified people. I remember that Dr. Donald Smith lost his leg and eventually his life.

Hon. J. G. Hislop: And Dr. Hancock.

Hon. Sir CHARLES LATHAM: Yes, Dr. Hancock was the first; and afterwards Dr. Donald Smith died in this cause when comparatively young. The radiologist on the board would have some qualification; but when it comes to an engineer of the Metropolitan Water Supply Department, I would like to know what his qualifications would be.

Hon. L. C. Diver: The Minister has told you.

Hon. Sir CHARLES LATHAM: Let us be serious. After all, this is not a trivial matter. I do not think he would have any knowledge of the subject. The physicist would have some limited knowledge, and perhaps the physiologist or biochemist. Probably the x-ray engineer, who would have made a study of X-rays, would have some qualifications. People with very high qualifications are needed on this board, because members of the public are to be treated with these substances. Let it not be forgotten that when an ordinary individual goes to a surgeon, he does not know what is going to happen to him; he is entirely in the hands of the medical man. I do not want to see any of this—I was going to say legitimate murder—taking place; because this Bill will legalise the use of these substances, and will place control in the hands of the authority established by the council. I do not know why a dentist would use radioactive substances. I am a layman and am cautious. I do not want to place on the statute book anything that would have serious repercussions, and I do not want authority in these matters to be placed in the hands of unqualified people.

Hon. E. M. HEENAN: I have been very impressed by the remarks made by the Chief Secretary and equally impressed by those of Dr. Hislop.

The Chief Secretary: Toss a coin!

Hon. Sir Charles Latham: A lawyer has to decide which are the better.

Hon. E. M. HEENAN: I think that applies to all of us. We are grateful to Dr. Hislop for the interest he takes in matters such as this, and for the lucid way he gives us the benefit of his professional advice, for which I, for one, have the greatest respect. Apparently this legislation invokes something new, and doubtless mistakes will occur in the use of radioactive substances. That is in accordance with the history of scientific advancement. Experts learn from their research and their errors, and eventually higher standards are achieved.

As a medical man of high standing, Dr. Hislop is cautious; and rightly so. I can fully see his point of view. He does not want dangerous substances to be played about with by people who may have the best intentions and a lot of skill in certain directions, but not the background necessary to understand adequately what they are dealing with. On the other hand, I am impressed with the set-up of the council. The first member will be the person occupying for the time being the office of Commissioner of Public Health. We have to repose a good deal of confidence in him. I am sure the Chief Secretary will bring under his notice the arguments advanced by Dr. Hislop, and that great caution will be used in granting licences to anyone to use these substances.

So, after giving the matter my careful consideration; having heard both sides of the argument; and realising that science must advance, and that human beings have to go along their way and make mistakes and learn from them, I am inclined to support the Chief Secretary in the belief that the public will be protected by the council, and that the arguments advanced by Dr. Hislop will receive its careful consideration.

Hon. R. F. HUTCHISON: I cannot vote for the Bill with an easy conscience because I feel I do not know sufficient about it. These are new substances; and as they affect human beings, I cannot vote on the amendment without further instruction. I am not prepared to let anyone take risks at the present time.

Hon. J. G. HISLOP: I cannot allow the plausible, but misleading reply of the Chief Secretary to pass without comment. It is easy to say that a college of physicians, or the Federal Medical Council has agreed to this. Of course that is so; but I have spoken to the officer of the Health Department who was responsible for drafting the Bill; and he told me that he was opposed to dentists being included, but gave way because the Eastern States insisted on it. They insist on this provision because they have the facilities to do research work. Everyone wants to see research done; but I do not want to see fiddling research carried out where there are no facilities, because that would be extremely dangerous.

It was said by the Chief Secretary that the qualifications of the men in the Medical Department are equal to mine. Let me deny that entirely. Their qualifications are high, but in a different direction from mine. They do not handle human beings; I do. They make laws for the purpose of looking after the health and sanitation of the community, but they are far removed from the treatment of human beings. If, with them, I went into the problem of what radioactive substances could do to the human being, I would find their skill lay in a different direction altogether.

The Bill is not intended for the trial use of this material. The Therapeutic Trials Committee, on which there are two highly skilled physicians, controls the diseases for which this is used. Yet we are told that this is a model Bill for all the States to adopt. I make the accusation that the word "use" was put in by the State because it felt it would be useful to have the control in its hands. That would be so because there are no statutory powers for the Therapeutic Trials Committee. If this is a model Bill, I have need of a new understanding. I am supporting the measure only because the department has agreed to take the word "use" out of it. If it is retained, the members of the Therapeutic Trials Committee, and such people as Dr. Cyril Fortune and Dr. Eric Saint, should go on to the council. So long as the council does the job of watching apparatus and licensing people, I am quite happy to agree to the Bill, but without the inclusion of the word "use."

Hon. Sir CHARLES LATHAM: I contrast the action of the State's principal medical officer in connection with this Bill with what he did when the Queen was here at a time when there were many polio cases in Western Australia. When Her Majesty was here, he took the greatest precautions possible; but with this piece of legislation he throws caution to the wind, and asks us—a body of laymen, apart from Dr. Hislop—to take his word that everything will be all right. The council will see that the doctors and dentists have the qualifications. I do not know what examinations they are going to pass.

This is a dangerous piece of legislation. I want to know more about it. I do not say I will oppose it in a year's time if, we have then the necessary information available to us. We want more than one man's knowledge of it. I do not know that there is anyone in Western Australia who has a greater knowledge of the matter than the radiologist, and his knowledge is probably limited. If the Bill is desired, let us allow it to have application to the medical people, but not to the dentists.

The CHIEF SECRETARY: Sir Charles Latham said he was not going to take the word of one man. Did I say this was the word of one man? What about the B.M.A. of Australia? The hon. member should base his opposition on solid facts and not imagination.

Hon. Sir Charles Latham: The B.M.A. is not going to be here to determine the qualifications of the people. Did it include the water supply engineer on the council?

The CHIEF SECRETARY: The B.M.A. and other bodies—

Hon. H. Hearn: It may not have been a unanimous decision.

The CHIEF SECRETARY: We do not always have unanimous resolutions here, either. This is the result of the deliberations of more than one man. When I spoke of Dr. Hislop and the officers of the department having similar qualifications, I was not referring to their status in the profession—because I know Dr. Hislop is a specialist—but to the fact that they were medical men. Mrs. Hutchison's remarks are totally opposed to the Bill. I refer her to the particular phase with which we are dealing. All we are arguing about is whether we will have medical men and dentists, or medical men only.

Hon. F. R. H. LAVERY: Like other speakers, I know absolutely nothing about this. I draw members' attention to the provisions of Section 21 of the Medical Act, and I point out to them the position of the dentists under that Act.

The CHAIRMAN: I think members are inclined to drift away from the amendment before the Chair. If there are further speakers, I ask them to confine their remarks to the amendment.

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

Ayes	....	14
Noes	....	10
	Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. A. R. Jones
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon R. J. Boylen	Hon. L. A. Logan
Hon. L. Craig	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. C. H. Henning
	(Teller.)

Pair.

Aye.	No.
Hon. H. K. Watson	Hon. J. J. Garrigan

Amendment thus passed; the clause, as amended, agreed to.

Clause 5—Radiological Advisory Council established:

Hon. L. A. LOGAN: As I mentioned the other night, in this clause there is a departure from the usual practice, because the chairman of the council is given a deliberative as well as a casting vote. With other boards, we have given the chairman a deliberative vote only. If the Chief Secretary cannot give me any reason for this, I shall move an amendment.

The CHIEF SECRETARY: The only reason I can give is that there are six members on the board, and therefore it has been thought necessary. If the hon. member moves an amendment, he will flay me, because I have always been against chairmen having casting votes.

Hon. H. Hearn: So you will vote with us?

The CHIEF SECRETARY: If the hon. member moves an amendment, I shall go very quietly.

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

> That the words "second or casting vote in addition to his ordinary or" in lines 39 and 40, page 3, be struck out.

The Chief Secretary: It will not be sensible if you retain the early part of the subclause.

Hon. L. A. LOGAN: That is so.

The CHIEF SECRETARY: It will be necessary for the hon. member to use words such as "all matters shall be determined by a majority of the votes of members present; and in the case of an equality of votes, the question shall be resolved in the negative."

Hon. L. A. Logan: That would apply in any case.

The CHIEF SECRETARY: I suggest to the hon. member that he withdraw his amendment for the time being; and that will enable him to draw up and move a suitable amendment, for which purpose he can recommit the Bill.

Hon. L. A. LOGAN: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 6 and 7—agreed to.

Clause 8—Appointment of officers:

Hon. J. G. HISLOP: I move an amendment—

> That the words "inspectors and other" in line 18, page 5, be struck out.

I do not want a full-time inspector to be appointed, because he could not carry out the multitudinous inspections that would be necessary under this measure. It would be much better if an inspector could be appointed to carry out a particular inspection; or members of the council could, from time to time, act as inspectors. In this way the council could appoint anybody with the special qualifications necessary to carry out a particular inspection. We must realise that these inspectors will be entering premises of radiologists, physicists, industrial shows where radioactive substances are being used and so on; and they will have to be men of high training. I want to allow the council, from time to time, to appoint its own inspectors rather than have the cumbersome task of asking the Governor to appoint an inspector each time one is required.

Hon. Sir Charles Latham: Will not the word "such" have to come out?

Hon. J. G. HISLOP: No.

The CHIEF SECRETARY: I am opposing the amendment only because the clause will mean the same whether the amendment is passed or not.

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

Clause 9—Powers of inspectors:

Hon. J. G. HISLOP: In order that members can get a true appreciation of the amendment I propose to move, they will have to realise that it is bound up with the insertion of a new clause which is shown on the notice paper. If my amendment to strike out paragraph (b) is agreed to, the clause will put directly into the hands of the members of the council the power to accompany an inspector, instead of the inspector being given the power to take a member of the council on an inspection, if he thinks fit. If the amendment is not agreed to, and the clause as it stands is passed, the power will be in the hands of the employee, whereas it should be in the hands of the council.

If my amendment is agreed to, a person with the specific qualifications for a particular inspection can be appointed; he may be a member of the council, such as the x-ray engineer. There are not too many of them in this State. The physicist on the council might be appointed to do a specific job, because there are not many of them here.

All I am saying is that a member of the council can accompany an inspector on an inspection, instead of the inspector inviting him. I move an amendment—

That paragraph (b) in lines 32 to 34, page 5, be struck out.

The CHIEF SECRETARY: I hope I will be a little more successful on this occasion. The clause, as it stands, says in a few words what the hon. member wishes to say in a large number of words. Members have always complained that too many words are used in a measure, and that is what will happen if this amendment is agreed to. According to the hon. member, before a member of the council can accompany an inspector on an inspection, he must be made an inspector, too.

Hon. J. G. Hislop: That is not so.

The CHIEF SECRETARY: Of course it is! Paragraph (b) covers everything. I will admit that it sounds as if the inspector will go to the council and say, "Come with me." But that is not the intention. The intention of the paragraph is that if any person queries the right of a member of the council to be on certain premises with an inspector, paragraph (b) will cover the situation.

Hon. J. G. HISLOP: The clause, as it stands, may be more brief; but it is entirely misleading. These inspectors will be carrying out highly technical inspections; and they should have the necessary qualifications, which so few people in this State possess.

The Chief Secretary: This has nothing to do with the appointment of inspectors.

Hon. J. G. HISLOP: It has everything to do with it. Members, in considering this amendment, must study the proposed new clause that I have set out on the notice paper. Power should be in the hands of members of the council rather than the inspector, and a member of the council should be able to accompany an inspector. Members of the council will be highly trained, and they should be permitted to act as inspectors from time to time. No one man in this or any other State of Australia is qualified to carry out all the various inspections that would be required under this legislation. We cannot have people acting as full-time inspectors unless there is work for them to do.

Hon. Sir CHARLES LATHAM: What strikes me is that we give the inspector such great power that he may take with him a member of the council, or such other persons as he thinks fit. He seems to have power over the councillor and can say to him, "You must come with me to make this inspection." I do not know what qualifications the inspector will have, or what qualifications the councillor will have, but I support the amendment.

The CHIEF SECRETARY: In effect, we are saying that before the boss, who is the councillor, can make an inspection, he must go with his employee, the inspector, and inspect something. That is ridiculous.

Hon. J. G. Hislop: That is not so. Read it.

The CHIEF SECRETARY: I have read the provision. He is the boss, and the employee is the inspector. The interpretation put on it is entirely different from that which was intended in the Bill. All the Bill means is that if a member of the council wishes to accompany an inspector on a job he may do so as a safeguard. The proprietor of premises might ask, "What is that individual doing here?" This gives the councillor accompanying the inspector the right to be there.

Hon. J. G. HISLOP: I do not think the Chief Secretary believes what he has just said. He is using that contention to bolster his argument, which is a very poor one. It simply means that, as there are so few people in the State who hold the necessary qualifications, a member of the council may be appointed inspector for any necessary time. This is the result of discussion with other members of the profession who know the type of work that will be done. They agree it will be wise to give the power of an inspector to a member of the council. There will be an x-ray engineer on the council, and we have not a large number of x-ray engineers to call on to fill the position of inspector. It would be better if a member of the council could make that inspection on behalf of the council.

To say that a member of the council, before he can go anywhere, must be made an inspector is wrong because, as I have said, any member of the council may accompany an inspector on an inspection. It must be realised that this council may be called upon to make a detailed inspection of the x-ray plant used by one of the Perth radiological clinics, which costs approximately £1,500. We would want the best x-ray engineer to do that job. He may be a member of the council, and we would not have his services unless my suggestion is accepted. It would be well and good if we had large numbers of x-ray plants; but, apart from those in the metropolitan area and Kalgoorlie, all the plants are small. There is an x-ray engineer associated with Watson's; he holds the necessary diploma, and advises the Government on its purchases. If he happened to be a member of the council, we could not get his services.

The Chief Secretary: Where is that in the Bill?

Hon. J. G. HISLOP: The Chief Secretary's own words are that a member of the council can do nothing until he is made an inspector. There are none so blind as those who will not see.

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

Clause 10—agreed to.

Clause 11—Control of radioactive substances:

Hon. J. G. HISLOP: I move an amendment, which is consequential—

That the words "or dentist" in line 9, page 7, be struck out.

The MINISTER FOR THE NORTH-WEST: This worries me, and I would like some explanation, in the light of Subclause (1). Under that provision, a prospector would be affected.

Hon. Sir Charles Latham: It says, "sell or use."

The MINISTER FOR THE NORTH-WEST: If he is prospecting for radium, he is doing so to sell it.

Hon. H. Hearn: He is not allowed to sell radium, is he? Surely the Government acquires it!

Hon. J. G. HISLOP: I would have no objection to postponing my amendment.

The CHAIRMAN: Dr. Hislop is quite agreeable to postpone the amendment if the Minister so desires.

The MINISTER FOR THE NORTH-WEST: I do not desire that it be postponed. I would like to refer the Committee to Subclause (2). As I understand the position, the deletion of "or dentist" will confine the matter solely to the medical practitioner.

Hon. H. Hearn: That has already been done.

The MINISTER FOR THE NORTH-WEST: No. Does it mean that it would apply in the case of a patient who wanted to have a tooth x-rayed?

Hon. J. G. Hislop: No; the clause refers to radio-therapeutic substances.

The MINISTER FOR THE NORTH-WEST: I only wish to be informed on this matter, because I would not like to be up for £3 3s. on having to see a medical practitioner. I could not support such an amendment.

Hon. J. G. HISLOP: If the Minister will look at the definition of "radioactive substance," he will find it means the actual treatment with radioactive substance, either by injection or by mouth. He will also find a definition of "irradiating apparatus," which means any apparatus capable of producing ionising radiations of any prescribed type, or capable of accelerating atomic particles under any prescribed conditions. Later in the Bill it will be found that a medical practitioner or a dentist does not require a licence under this Act.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and a division taken with the following result:

Ayes	13
Noes	8
Majority for	5

Ayes.

Hon. N. E. Baxter	Hon. R. F. Hutchison
Hon. L. C. Diver	Hon. Sir Chas. Latham
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. W. F. Willesee
Hon. C. H. Henning	Hon. L. A. Logan
Hon. J. G. Hislop	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. G. Fraser
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. R. J. Boylen	Hon. J. D. Teahan
Hon. E. M. Davies	Hon. F. R. H. Lavery
	(Teller.)

Amendment thus passed.

Hon. J. G. HISLOP: I move an amendment—

That the words "or dentist" in line 13, page 7, be struck out.

Hon. L. A. LOGAN: I think that the words "or a medical practitioner" in lines 13 and 14 should also be deleted.

Hon. J. G. HISLOP: I do not agree. The first person permitted is the medical practitioner; and the next is the person acting under the supervision of a medical practitioner.

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

Clause 12—Control of irradiating apparatus:

Hon. J. G. HISLOP: I propose to move an amendment that before the word "surgical" in line 27, page 7, the word "or" be inserted, and that the words "or dental" in line 27 be deleted. It is difficult to understand paragraph (a) of Subclause (2). I do not know whether the taking of an x-ray photograph is regarded as treatment by a medical practitioner. To the best of my knowledge, the dentist does not use an irradiating apparatus for the treatment of any dental patient by x-ray therapy. The only irradiating treatment plant is that used by the trained radiologist. I know of no such plant used by dentists for the dental treatment of human beings. I agree that nothing should interfere with the practice of the dentist in taking x-ray photographs of a patient's jaw in order to ascertain the trouble; but I would point out that no dentist ever uses an irradiating apparatus for dental treatment.

Hon. Sir Charles Latham: This subclause refers solely to the taking of x-ray photographs.

Hon. J. G. HISLOP: No. That will be seen by reading Subclause (2) (a). If a person had a tumour of the jaw, he would not be treated by a dentist, but by a radiologist in charge of an irradiating therapy plant.

Hon. C. H. SIMPSON: Would it not be safer to retain the words "or dental" in line 27 of the clause? The same object can be achieved by deleting the words "or dentist" appearing later in that subclause.

The MINISTER FOR THE NORTH-WEST: The proposed amendment should be made because, if the words "or dental" are left in, it will lead to confusion. The subclause provides that no person shall use for the purpose of dental treatment any apparatus unless he is a medical practitioner. Surely the taking of an x-ray photograph is included under medical treatment.

Hon. J. G. Hislop: That aspect is dealt with by paragraph (b) of Sub-clause (2).

The MINISTER FOR THE NORTH-WEST: The taking of an x-ray photograph must be considered as medical treatment.

Hon. J. G. HISLOP: I move an amendment—

That the words "or dentist" in line 30, page 7, be struck out.

The CHIEF SECRETARY: If those words are struck out, we shall be eliminating the dentist, and placing a bar on him which is not imposed upon any other person.

Hon. Sir Charles Latham: No; it would prevent him from giving instructions, but he could be instructed by a doctor.

The CHIEF SECRETARY: It would be compulsory for a doctor to be present.

Hon. H. Hearn: It would be serious enough to warrant a doctor's being present.

The CHIEF SECRETARY: Let the hon. member wait until he requires dental treatment and has to have a doctor present. Under the proposal, only a medical man could give treatment, and that would add to the cost.

Hon. H. Hearn: I do not agree with you.

The CHIEF SECRETARY: It is clear that no person will be permitted to do these things unless under the direction of a doctor.

Hon. J. G. HISLOP: Members should not be bluffed by the words of the Chief Secretary, which are sheer nonsense. The present position is that no dentist treats with an irradiating plant. No practising doctor, apart from a radiologist, could so treat, and therefore there would be no increase in the cost. The dentist could still do what he does in the ordinary course of his work; but if he desired any deep x-ray treatment, he would send the case to the Radiological Clinic where treatment would be given. Such a plant is not in the possession of a dentist. The cost of a deep therapy plant runs into thousands of pounds, and there is not one possessed by a dentist in this State.

The Chief Secretary: That is not to say there will not be.

Hon. J. G. HISLOP: Not one is possessed by a medical practitioner outside the Radiological Clinic, so we shall not be adding to the cost; and for the Chief Secretary to make that statement was deliberately misleading.

The MINISTER FOR THE NORTH-WEST: I am afraid that Dr. Hislop is misleading. Irradiating apparatus does not necessarily mean deep therapy, and plant is being used in the North-West hospitals that does not require the presence of a radiologist or specialist.

Hon. J. G. Hislop: But they cannot do treatment.

Hon. Sir Charles Latham: What is it used for?

The MINISTER FOR THE NORTH-WEST: For treatment of different parts of the body.

Hon. J. G. Hislop: No.

The MINISTER FOR THE NORTH-WEST: It is so. The plant may not be used for deep therapy, but it is an irradiating plant.

Hon. J. G. Hislop: They can only take pictures.

The MINISTER FOR THE NORTH-WEST: That is not so. I have seen the apparatus strapped on a man's knees. Surely we should not be required to have a specialist every time we need treatment that does not warrant it.

Hon. Sir Charles Latham: For deep therapy, one has to go to a specialist.

The MINISTER FOR THE NORTH-WEST: But we are dealing with an irradiating apparatus.

Hon. J. G. Hislop: Do you think that treatment could be given with an ordinary x-ray plant?

The MINISTER FOR THE NORTH-WEST: Apparently there are smaller plants.

Hon. Sir Charles Latham: But only photographic.

Hon. J. G. Hislop: They would not be used for treating a patient.

Hon. L. C. DIVER: When a person needs to have a number of teeth extracted, it is not unusual for a doctor to be present to administer the anaesthetic, and no exception has been taken to that. When dangerous substances are employed, we must obviate the risk of any damage being done. I think that a doctor ought to be present.

Hon. J. G. HISLOP: There seems to be some misunderstanding. There are x-ray plants to take pictures for ordinary diagnostic work—to examine the chest, or search for foreign bodies. I understand that the Health Department has withdrawn from the country hospitals what is

known as the screen. A patient stands in front of an x-ray plant and, when the current is turned on, one can visualise on the screen the interior of the patient, particularly the stomach. The screens have been removed because of the danger from irradiation, and the hospitals have been left with only the apparatus to take pictures. Treatment is something that is given not by a doctor or by a dentist, but only by a specialist in radiology. Apart from the plants at the Royal Perth Hospital and the Radiological Clinic, I do not think there is a treatment plant in the whole of the State.

The CHIEF SECRETARY: My point was that if there were any dental treatment to be done, it must be done in the presence of a medical man.

Hon. J. G. Hislop: A dentist cannot give any treatment.

The CHIEF SECRETARY: If I require dental treatment, I do not consult a doctor.

Hon. H. Hearn: You are confusing ordinary dental work with deep therapy.

The CHIEF SECRETARY: Nothing of the sort! The clause would mean that dental treatment could be carried out only under the direction of a doctor.

Hon. J. G. Hislop: But nobody has the plant.

The CHIEF SECRETARY: Then why have the wise men in Australia suggested this provision?

Hon. J. G. Hislop: The Bill was never sent here in word form; it was sent in draft form.

The CHIEF SECRETARY: No alteration has been made to the principles of the Bill.

Hon. J. G. Hislop: Yes; the word "use" has been inserted, and that was not in the draft.

The CHIEF SECRETARY: Only drafting alterations were made. If the amendment is carried, dental treatment will have to be done under the supervision of a doctor, and that will add to the expense.

Hon. J. G. HISLOP: That again is an attempt to mislead. The words mean that a doctor must be present when irradiating apparatus is used for dental treatment; but for ordinary rountine dental work, it would not be necessary.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That the words, "or dentist" in line 32, page 7, be struck out.

Amendment put and passed.

Hon. J. G. HISLOP: The inclusion of the words "or a dentist" in line 34 would permit of a dentist doing all his x-ray examinations and diagnostic work, taking photographs, etc., so the words should be retained there.

Clause, as previously amended, put and passed.

Clauses 13 to 16—agreed to.

Clause 17—Regulations:

Hon. J. G. HISLOP: I move an amendment—

That the word "use" in line 18, page 9, be struck out.

I would point out that the council is simply not capable of deciding what medical uses there may be for radioactive isotopes. There is a Therapeutic Trials Committee, which consists of two medical representatives—Dr. Cyril Fortune and Dr. Eric Saint—and, I think, representatives from the university. It is a highly skilled body. I understand that Dr. Eddy of the Commonwealth department is to establish a branch in this State, and the work of this committee will be continued and enhanced. It has no statutory power, but is the body which decides in the treatment of which diseases radioactive substances will be used. This committee could function only if it had at least two physicians on the governing council, if we were to retain the word "use." I think the use should be left to the Therapeutic Trials Committee, and the rest of the functions could remain in the hands of the council we are now discussing.

The CHIEF SECRETARY: I am advised it is essential that the word "use" remain in the provision; that radioactive substances will be used over a wide field of industry, research, and therapeutics; and that their use in the medical field is a very minor one. Safe usage of these substances is just as important as their safe storage and disposal. I must ask the Committee to vote against the amendment.

Hon. J. G. HISLOP: In that case I ask the Chief Secretary to report progress; because the medical profession cannot agree to this council dictating how we are to use radioactive substances on the human being, when the members of the council have absolutely no qualification to tell us what to do in that respect. If the word "use" remains, there must be at least two physicians on the council. In conversation with the department, I was informed that the function of the council would be such that the physicians would not be required to sit on it except on rare occasions.

Apart from the medical profession there is no one qualified to say how these substances should be used on the human being. If the Chief Secretary

wants this word to remain, he must take the clause back to the department and tell it to put two physicians on the committee, because we will not allow an engineer of the Metropolitan Water Supply Department to tell us what to do in this regard. If this provision were to become law, I say here and now I would not be bound by it; and if I thought my patient would benefit from the use of a radioactive substance which this council would not permit, I would use it.

As it stands the provision is nothing short of scandalous. In a phone conversation with the department, I said I would agree to the Bill with the modification I have suggested, provided it was understood that the word "use" did not embarrass the profession at all. If the assurance I got is to be withdrawn, I will withdraw my support, and say that the profession must be adequately represented on this council. In this regard the profession cannot be dictated to by the body suggested. Either the word "use" comes out, for medical and therapeutic purposes, or we have two physicians on the council. Without those changes, it will take a long time to get the Bill through, because I will talk at some length about it. Will the Chief Secretary agree to my suggestion and report progress?

The CHIEF SECRETARY: I certainly will not report progress on the last clause. Dr. Hislop knows we already intend to recommit the Bill. The suggestions he has made will be referred to the department, and I will have the answers here tomorrow when the Bill is again being dealt with. Dr. Hislop made an astounding statement when he said that if Parliament did something the medical profession would not abide by it.

Hon. J. G. Hislop: I said I would not.

The CHIEF SECRETARY: It was a surprising thing to say; that if Parliament says certain things shall be the law, the medical profession will put itself above the law and refuse to carry it out.

Hon. J. G. HISLOP: I did not involve the whole of the profession. I used the word "I" and said I would be willing to take the consequences. If the Bill were passed in its present form, thus limiting the use of radioactive substances on human beings to what was decided by a committee of this sort, I would take that responsibility.

The CHIEF SECRETARY: I understood Dr. Hislop to refer to the whole of the medical profession, and I could not let that pass. He now says he expressed his own view only. The department says that radioactive substances will be used over a very wide field, and that their medical use will be a minor one only. Therefore it is essential that we retain the word "use."

Hon. L. C. Diver: Then why did not the other States have it?

The CHIEF SECRETARY: I have no idea what they have. How does the hon. member know that they have not the word "use"?

Hon. L. C. Diver: You said it was not in the draft.

The CHIEF SECRETARY: I repeat that I do not know what is in the legislation of the other States. The word may be there, although Dr. Hislop says it is not.

Hon. L. C. Diver: You said how necessary it was to pass the legislation in its original form, like that of the other States.

The CHIEF SECRETARY: No; I said this was a model Bill, and that the only difference between it and the legislation in other States consisted of certain minor drafting amendments.

Hon. J. G. Hislop: Such as the word "use".

The CHIEF SECRETARY: If the position regarding the treatment of the human body is as Dr. Hislop says, there is no need to agree to the amendment now before the Committee. Possibly an amendment placing two medical men on the council would overcome the difficulty. The amendment with which we are dealing would destroy the qualities of the Bill.

Hon. J. G. HISLOP: I must appeal to Mr. Hearn, because many radioactive substances will be used in industry; and under the Bill, they would be controlled entirely by people who know nothing of industry.

Hon. H. Hearn: That is so.

Hon. J. G. HISLOP: The position is absurd. The easiest way to protect it is to agree to the amendment and let the Chief Secretary recommit the Bill if he feels some other safeguard is necessary. The proposed council will not have the ability to decide the use of these substances. The radiologist will know nothing about industry; nor will the Metropolitan Water Supply Department engineer, or the other members of the council.

Hon. H. Hearn: They would not be very interested.

Hon. J. G. HISLOP: It would stop all research work if those concerned could do only what the council would allow them to do.

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

Ayes	14
Noes	11
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. L. C. Diver	Hon. L. A. Logan
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. Sir Chas. Latham *(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. L. Craig	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. G. Bennetts
Hon. E. M. Heenan	*(Teller.)*

Pair.

Aye.	No.
Hon. H. K. Watson	Hon. J. J. Garrigan

Amendment thus passed.

Hon. J. G. HISLOP: Paragraph (g) of this clause is almost dependent upon paragraph (c) in which we have struck out the word "use". Therefore a consequential amendment to strike out the paragraph (g) is necessary. I move an amendment—

That paragraph (g) in lines 11 to 13, page 10, be struck out.

The CHIEF SECRETARY: Even at this late stage I hope members will reconsider the viewpoint they have adopted. On reconsideration, I am sure they will realise that they should have voted differently on the last amendment. We have reached the stage where we have given the Governor power to make regulations; but it is now proposed to deny him the right to make one governing the use of radioactive substances. The important feature of the regulation would be to have power over their use. Dr. Hislop has made a song and dance about the constitution of the council; but up till now he has made no attempt to alter it. How ridiculous it would be to have the power to regulate all matters concerned with radioactive substances except the use of them!

Hon. J. G. HISLOP: The ridiculous position has been created by the Chief Secretary. In my second reading speech, I made it quite clear that I would support the Bill, provided the council did not have power over the use of radioactive substances. I know something about this subject. The committee which controls therapeutic substances is one that might well be used by industry. Let this council we are now discussing handle the safe storage, and so on, of radioactive substances; but let the use of them be under the control of those who know something about their use. The Therapeutic Trials Committee lays down as a guide for the medical profession the best method for the use of these substances on the human being.

The procedure that is adopted by the medical profession might well be extended to industry. A board from industry could be set up as a trials committee to advise industry on the best method of using radioactive substances. That would mean that the control over storage, discarding of containers, etc., could be exercised by the council, which would be qualified for that work. But it would not be concerned in any way with the use of the substances. We could apply to the Therapeutic Trials Committee for advice on the various types of radioactive substances, and the knowledge it has gained could be made available to us.

The council could only take advice from that Therapeutic Trials Committee in regard to the use of radioactive substances. That is not so ridiculous as it may sound. This council is not a qualified body. To say that I raised no objection to it is, in part, true. However, I believed, after making inquiries, that I would be supported in my request for the use of these substances to be withdrawn from the powers of this council. I still believe that my suggestion is correct.

Hon. L. CRAIG: I fear that Dr. Hislop considers that I oppose his opinions on a personal basis. That is absolutely wrong. I frequently differ from Dr. Hislop because with some Bills he takes the narrow rather than the broad view. Tonight, on this Bill, he has concentrated his views purely on the medical aspect, or the treatment of the human body, whereas the Bill deals with a much broader subject. It proposes to constitute a council to issue licences. Dr. Hislop says that it is not as good a body as it ought to be.

That may be or may not be so. At the moment, for the purpose of treating the human body, it might be advisable to have a competent committee formed from medical officers. In this clause, if the word "use" is struck out, it will mean that this council, properly constituted, having satisfied itself that an application for a licence has been made by a competent and proper person to use radioactive substances, will not be able to determine what he uses those substances for. It may be desirable, at some time, to say that these radioactive substances shall be issued to a man who has a licence to use them for a specific purpose and no other. That is most desirable.

Hon. J. G. Hislop: That is already included in the Bill.

Hon. L. CRAIG: If we strike out the word "use", it will mean that there will be looseness or lack of control over the use of the substances. We have to treat the personnel of this licensing authority as being people of substance and men who will not be lightly chosen. We have to take the broad view. We do not want to interfere with the medical practitioner. No doubt there are unheard of uses for radioactive materials. Whether a man be an engineer, a boilermaker or a bootblack, if he establishes to the satisfaction of this licensing authority that he is qualified to use radioactive substances, that

authority can authorise him to use them for a particular purpose and no other. I do not think there is anything wrong with that. It does not affect the medical side at all. This council should control the use of the substances, and the paragraph should be retained.

Hon. J. G. HISLOP: It is an awful pity people do not read the Bill, because there is some good matter in it. Under paragraph (a), power is given to prescribe various forms of licences, so that automatically licences would be given to certain people for certain types of work.

Hon. L. Craig: You are taking it away from them.

Hon. J. G. HISLOP: No. We are giving the council power to grant licences. There must be different types of licences given to medical practitioners and to those engaged in other departments in which radioactive substances are used. I maintain that the council is not competent, having given a person a licence in a certain field, to prescribe the way in which that person shall use the substance. Under this provision, the council would be able to dictate how a substance shall be used in industry.

Hon. L. Craig: That is not so.

Hon. J. G. HISLOP: It is so. I am sorry we again differ; but if Mr. Craig would only read the Bill, he would see that that is so.

Hon. L. Craig: We have a different outlook, perhaps.

Hon. J. G. HISLOP: All I ask the hon. member to do is to read the Bill, and he will find that the council will be able to dictate the use of any radioactive substance in any particular way. I do not think the council will be capable of doing that.

Hon. L. Craig: Who will be capable? Somebody has to be.

Hon. J. G. HISLOP: Has the hon. member not been listening to me?

Hon. L. Craig: Yes.

Hon. J. G. HISLOP: I cannot go into the matter any further. It is no use repeating myself. I believe that the real answer to this is for us to be safe; to take this word out at this stage, and make it a Government responsibility to alter the Bill in a reasonable fashion so that it can meet all needs.

Hon. C. H. SIMPSON: I have supported Dr. Hislop all night, and hope to continue to do so. This word "use" seems to me to be the core of the Bill. "Use" means application for whatever purpose it might be. It is the regulation of that use that must be the function of some controlling body. I am not competent to say what body it should be; but I am prepared to endorse the views of Mr. Craig who said that the use of this element might be applied to anything, apart from medicine altogether.

I gather, from what Dr. Hislop said earlier, that if there were medical representation on the committee he would be prepared to leave the word in. To me, that seems to be the right solution of the difficulty. The word "use" appears to apply the same way in paragraphs (h) and (i). I am rather anxious that when the Bill leaves this Chamber it will actually be operative. I am concerned about the omission of the word "use", and would like to ask Dr. Hislop whether he would be willing to consider recommitting the Bill with a view to adding to the council in the way he originally suggested.

Hon. Sir CHARLES LATHAM: Surely, if people are to be given licences, we will ensure that they are qualified to carry out the responsibility they accept. We cannot have somebody coming along afterwards and preventing them. I do not know why we should want to harass people. It is proposed that we should say that we have confidence in them and then, having given them a licence, declare that in case they do not do what we want them to, regulations will be framed to prevent them doing what they desire. I think we can be a bit careful with the legislation this year; and if we find that we can be more liberal later on, we can amend the measure. I prefer to be a little restrictive.

The Chief Secretary: That is what you are not being. You are wanting to remove the restriction.

Hon. Sir CHARLES LATHAM: No. We have already taken certain powers from the council.

The Chief Secretary: You are proposing to take away its power to say for what purpose a radioactive substance shall be used.

Hon. Sir CHARLES LATHAM: The council has been given power to grant licences. If it is a responsible authority, it will make perfectly sure that it grants licences only to people who are qualified to do the work.

The Chief Secretary: But not necessarily to say what the substance shall be used for.

Hon. Sir CHARLES LATHAM: In giving a licence, the council could say, "You will set out exactly what use you will make of the substance."

Hon. L. Craig: That is what this does.

Hon. Sir CHARLES LATHAM: No. I do not take any notice of Mr. Craig in this instance, because I have heard him at odd times make a statement, and then change his opinion and vote in the opposite direction. We are going to issue licences to people, and then we will have the Minister instructing the Government to promulgate regulations determining the use to which

the substances shall be put. The proper time to do that is when the licence is granted, and not afterwards.

Hon. E. M. HEENAN: I consider that the council should have power to make regulations for the safe storage, use and disposal of any radioactive substance. We grant licences to different people to use or sell certain commodities, and we regulate how those things are to be used or disposed of. I think that Dr. Hislop is being ultra cautious in asking us to delete this word.

Hon. J. G. HISLOP: I do not enjoy fighting in this way, but I wish to reply to Mr. Simpson. He said he would like me to agree to allow the word to remain in, and also to move for an alteration of the council by the inclusion of a physician. I would point out that a lot of the work of the council will not involve a physician; and if one were on the council, it would mean that he might sit for many hours at meetings at which issues were being decided in connection with something that he probably did not understand. He would not be qualified in storage and disposal, but only in the the use of a substance. It is much better that the council should not have control of the use of these substances medically, but should leave it in the hands of a body that already exists and was appointed by the Commonwealth—the Therapeutic Trials Committee.

The use of these substances could easily be completely negatived by a council of this kind. I want to see the fullest use of the substances, while at the same time ensuring that the public are protected from such dangerous elements. I am asking that the word be taken out so that something can be substituted. If it is left in, it will be my responsibility again to try to alter the Bill. If it is taken out, the alteration of the Bill will be the Government's responsibility, and that is where the responsibility lies.

The CHIEF SECRETARY: Dr. Hislop says that he wants to protect the public. If the word "use" is deleted, we shall have a Bill which provides for certain people to be licensed, but which will not say how the substances are to be used. If there were no power to create a regulation for that purpose, such people could use the substances in any way they liked; and that would be ridiculous. It is well for members to realise that. Because we give a man a licence, that does not mean that is the end of it and he can do what he likes. I know that Sir Charles Latham thinks that should be the position, and that is what he is trying to do.

Hon. Sir Charles Latham: I do not think anything of the sort. I say that we should have confidence in the people we license; otherwise they should not be licensed.

The CHIEF SECRETARY: We grant a licence to a person only to enable him to operate. It is a further protection to the public when we do not give him a licence to use a substance in whatever way he likes, but lay down the manner in which it shall be used. That protection is necessary. Without it we achieve the opposite of what Dr. Hislop desires to achieve—the protection of the public. We remove power from the Governor to create regulations for the use of these substances; and once a man obtained a licence he would be able to use it how he liked.

Hon. J. G. HISLOP: In these regulations there is plenty of power that we have not touched at all to deal with the use of irradiating apparatus or a radioactive substance which does not meet the wishes of the council. If the radioactive substance contains an overwhelming amount of radioactive element, then the council can forbid its use. It can also regulate any irradiating apparatus that is used, and the purpose for which it is used.

The Chief Secretary: No, because you have taken it out.

Hon. J. G. HISLOP: No; we have left in paragraph (i). X-ray plants in shoe shops, and the like, can be prohibited. We want to leave the authority in the hands of trained people such as the trials committee, but not a council constituted such as the one proposed. I trust the Chief Secretary will take this provision back to the department and ask that some amendment be made to it.

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

Clause 18—agreed to.

New clause:

Hon. J. G. HISLOP: I move—

That the following be inserted to stand as Clause 9:

(1) The Council may appoint from time to time as an inspector a person holding such qualifications as it may consider necessary for the particular inspection it directs to be carried out.

(2) A member of the Council holding the qualifications required for the particular inspection may be appointed as the inspector to carry out the particular inspection.

(3) Any member of the Council may accompany an inspector on any inspection.

We have already dealt with the principles of this clause. I want the position to be that the council shall not be short of the experts it desires to act as inspectors; that a member of the council may, if he holds the qualifications for a particular task, be

allotted that task as an inspector; and that he shall have the power, as a member of the council, to accompany an inspector on any inspection.

The CHIEF SECRETARY: In view of what has happened, I am not going to oppose this proposed new clause except to say that I think Subclause (2) should be deleted. It is ridiculous that the council should appoint one of its members as an inspector. A member of the council should not be both employer and employee at the same time.

Hon. J. G. Hislop: There is no "shall."

The CHIEF SECRETARY: Why put this in if it is not intended to make it operative? Why not provide that a member of the council can do these things without being appointed an inspector?

Hon. Sir Charles Latham: I would not mind that.

The CHIEF SECRETARY: The provision could be very much abused.

Hon. J. G. Hislop: Would these men of whom you think so much, and who would be on the council, abuse it?

The CHIEF SECRETARY: I have not the faintest idea who will be on the council.

Hon. J. G. Hislop: You told us it will be a body of reputable men.

The CHIEF SECRETARY: I would expect any Minister to appoint people of that description; but everyone has human weaknesses. The council's job will be administration; the other physical duties should be carried out by someone else. I move—

> That the proposed new clause be amended by striking out Subclause (2).

Hon. J. G. HISLOP: I do not think the Chief Secretary should have all the worries he has expressed. I have included this provision only so that the council will not be restricted in its choice of an inspector. Here we are dealing with something that is highly technical, and for which we want the best brains. The most expert man might be on the committee and we would not be able to use his services if this provision were not included. If the Minister alters the clause so that a member of the council can make the inspection, I will not mind.

The Chief Secretary: Your Subclause (3) covers the position.

Hon. J. G. HISLOP: No. I do not want a member of the council accompanying the inspector, because the inspector is the only one who can report. I want a first-class man to do the inspections.

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

Title—agreed to.

Bill reported with amendments.

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [8.56]: This is an important Bill, and I do not wish to delay it; but, on the other hand, I am rather anxious that it shall not be unduly rushed through this House. Generally speaking, the objects of the Bill are not strange, as we have had similar measures before us on a number of occasions. I can remember, during my fairly short parliamentary career, that three such Bills have gone through this House. During the term of the previous Government two were introduced, and last year another Bill was debated and the Act was brought up to date.

Previously the measure had been amended in the direction of bringing the benefits into line with the altered values of money, but last year the Government introduced a new scale of benefits which exceeded the normal adjustments as far as money values were concerned. After the Bill was finally debated here last year, it went to a conference, and Parliament agreed to the amendment which this House made; and the conference devoted itself mainly to the question of the Second Schedule.

We were all under the impression that another Bill would be submitted this year; and that in the meantime the Second Schedule would be considered scientifically and brought into line, in some degree at least, with the suggestions made last year, as there was a considerable body of opinion in the direction of agreeing that while certain benefits should be increased, others should be reduced; because, in the light of experience, it was found that some were over-rated while others were under-rated. But apparently no attempt has been made to alter the scale of benefits under the Second Schedule as suggested.

I think, too, that last year there was a impression that both sides were adopting a bargaining attitude, which is quite a common practice in the Arbitration Court, where one side will deliberately request concessions which it is pretty sure the other side will not agree to, and that the Court will not grant, either. Then there is the counter-bargaining by those from whom the concessions are requested, offering something much less than they would be prepared to agree to. Finally they arrive at a compromise between those two extremes;

and, generally speaking, they wind up with a figure which, from the very beginning, they were probably prepared to accept. On this occasion the scale of benefits has been considerably increased; but, taking it by and large, the Bill deals with other things as well as the scale of benefits.

Broadly speaking, it divides itself into five main divisions, the first being, of course, the proposed scale of compensation benefits. The next is the retrospective effect on unsettled claims; the third is the "to-and-from" clause; and the fourth is the question of dependants living abroad. The fifth proposal is to increase the maximum monetary qualification as applying to the term "worker." Many speakers have indicated that they are prepared to agree to the second reading; but they consider that the whole question should be referred to a select committee, obviously with the intention of ironing out those anomalies which seem to have cropped up in the Bill or which seem to have developed over the years. When the committee had completed its work it could submit a Bill to us; it would be a measure which we could accept as something that would stand for some time.

While members are sympathetic to the idea of adequate compensation being paid, I do not think they feel that it should be necessary to consider an amending Bill year after year. We should agree upon something which will stand the test of time and not be changed frequently. This would allow employers and employees to look forward and know exactly where they stood. Employers particularly would be able to plan ahead.

Hon. R. F. Hutchison: How could you do that when the cost of living changes so much?

Hon. C. H. SIMPSON: It has not changed recently; not to the same extent as it did years ago. Conditions have stabilised to a large extent, and there should not be any need for a periodical review as often as has been the case in recent years.

The Minister for the North-West: The cost of living has gone up by 23s. in the last 12 months.

Hon. C. H. SIMPSON: Not as much as that.

The Minister for the North-West: That is what the court says.

Hon. C. H. SIMPSON: There is still the prosperity loading which has not been touched. In any case, that is a matter for the Arbitration Court and not for us. One or two speakers have suggested that there was a tendency on the part of this House to be unsympathetic towards the question of workers' compensation. But I want to repeat what I said last night, that when a Workers' Compensation Bill has been presented to this House, it has always received the attention it deserves; and members have endeavoured to be fair, reasonable, and impartial in summing up the claims that have been put forward.

I would like to deal with one or two points that have been made during the debate. In his very able speech on the second reading, Mr. Hearn made one or two comments that have been criticised. For instance, he was criticised when he said that "the honeymoon was over."

The PRESIDENT: Order!

Hon. C. H. SIMPSON: I had the privilege of reading the speech he made—I obtained a pull from "Hansard"—and I think that in sounding a note of warning as to the possible effect on finance of the change in economic conditions, he was drawing the attention of the House to something which it would be wise to take into account. He was referring to that, and to that only. He gave very interesting production figures, and pointed out that the balance of exports over imports, for the year 1952-53, was £14,000,000 in our favour. But he also pointed out that for 1953-54 we had an adverse balance of £33,000,000. That will have a considerable effect on our financial outlook in the reasonably near future. It is wise to take those things into account when we are considering agreeing to benefits which will have some effect on the economy of the community.

The Minister for the North-West: Those views are not held by the president of the Chamber of Manufactures.

Hon. C. H. SIMPSON: As I go on and give a little more data, I think the Minister will agree that in some respects that person would agree with the statement, because one cannot argue that a difference of £47,000,000 in a single year—or a decline from a surplus of £14,000,000 to a deficit of £33,000,000 on the balance of imports and exports—will not have any effect.

The Minister for the North-West: On the general outlook.

Hon. C. H. SIMPSON: Yes, on the general outlook. I will come to that later on. Mr. Hearn was accused of linking workers' compensation with social service benefits, and there again I think that he may have been misunderstood. He was referring specifically to the "to-and-from" clause; and he said that, by adopting the provision, we would only be taking on some of the liability for which social services were founded. I think that is something which must be considered, because social services are a Commonwealth responsibility; and while we are willing and anxious that the worker, or anyone in the State, should get the utmost benefit from what we are prepared to give, we do not want to give it ourselves and then find that we are overlapping some of the benefits which the Commonwealth is prepared to pay. I

think that is a point which must be borne in mind. Mr. Barker said that the "to-and-from" clause had been adopted, without question, in regard to the Bush Fires Bill. I think members pointed out last night that those who rendered a service at a bush fire were all volunteers.

Hon. F. R. H. Lavery: Mr. Roche, in moving his amendment, stated that it was to cover an employee of a farmer when he was returning to his employment after a fire.

Hon. H. K. Watson: And was still in the employment of the employer.

Hon. C. H. SIMPSON: That is true.

Hon. H. K. Watson: Which is like the fireman in Murray-st. going out and back from a fire.

Hon. F. R. H. Lavery: But this person was a volunteer.

Hon. C. H. SIMPSON: I am thinking of the position of those who are self-employed. They are their own bosses. They attend these fires in a voluntary capacity, and they often take with them expensive machines which may get damaged while they are carrying out this work. Those are always emergency calls; whereas, in the normal course of events, those occupations to which insurance applies are regular ones where the conditions and hazards of the employment are well known. Generally speaking, the premiums are assessed according to the hazards of the particular type of employment. So there is a big difference between the two types of employment and their application to the "to-and-from" clause.

Several speakers have mentioned the apparent anomalies between the benefits granted under workers' compensation and those granted in cases of claims for damages as a result of motorcar accidents. One is a compensation for the worker for any injuries he might receive during the course of his employment. Sometimes those injuries are received because of lack of care on his part; but in any case, the man is provided for. If he has reason to believe that he has a case for damages against his employer, he can sue under common law and obtain additional benefits. In the case of a motorcar accident, the person injured can sue only on the grounds of negligence on the part of the operator of the vehicle. If he cannot prove negligence, or if negligence is not admitted, he has no claim. The two cases are quite distinct.

During the debate, Mr. Strickland and others have mentioned that industry in this State has the capacity to pay. I think we will have a look at that. I quite agree that we have passed through a period of unprecedented prosperity in this State, and that for the time being industry here is in a position to meet any claims such as are envisaged under this measure. Industry is prospering; but we must remember that this is the peak, as it were, of the prosperity period.

The Minister for the North-West: How do you know?

Hon. C. H. SIMPSON: The difference of £47,000,000 in our national income must make itself felt.

The Minister for the North-West: The price of wool has to go up only a few pence per lb.

Hon. C. H. SIMPSON: I hope it does; but we cannot build on that. What I am trying to say is that for some years we have had a better income from those sources than we had in the past. In addition, we have had capital coming into this country in the shape of new industries being established, such as the £40,000,000 oil refinery, the Broken Hill Pty. Ltd., the mining companies—Western Mining Corporation, in particular—Wapet, and others. Those people are bringing capital into this country. A good deal of it was not spent in this State. Some of it was spent overseas, but a large proportion was spent here. That infusion of money into the economy of the State must have contributed towards the relatively prosperous condition of the people engaged in industry at present.

So for the moment the figures which were given regarding dividends paid by different companies, refer to business done during this state of prosperity. But if we are wise, and perhaps cautious, we will take into account the fact that there may not be so much money in the future to enable these people to show us these fine results. The figures of the mining companies were quoted. But I think the Minister for the North-West will agree that mining is a different industry from the others.

The Minister for the North-West: It is a speculative industry.

Hon. C. H. SIMPSON: The capital invested in mining is risk capital; and, admittedly, while some companies make a handsome profit, there are many others, particularly in the goldmining industry, and with gold at its present price, which are either on the verge of closing down or are having a hard job to make ends meet. But if there were not prizes in those industries, investors would not be willing to invest their money.

The Minister for the North-West: That is so.

Hon. C. H. SIMPSON: But as the State benefits, I do not think we can be unduly perturbed if some of the lucky ones get a good deal above the average returns. Mr. Davies pointed out that as the Eastern States are paying these rates, we in Western Australia should be able to do the same thing. I think we will agree that there should

be some adjustment forward; but I will leave that till the select committee examines the matter and makes its recommendations. There is this difference between Western Australia and the Eastern States: Western Australia is dependent on the export of its primary products to a much greater extent than any of the Eastern States. It is dependent on the export of its wheat, wool and gold, and items of that kind. For instance, a bigger proportion of our wheat is exported from Australia than is the case with any other State. The other States are much more developed industrially than is Western Australia, and they have more or less established themselves. They are able to meet increased benefit payments; whereas Western Australia is in the process of becoming established, and is not nearly in such a good position to meet the extra costs as are the Eastern States.

Hon. E. M. Davies: Quite a lot of branches here supply the Eastern States with goods.

Hon. C. H. SIMPSON: That cuts both ways. There are industries here supplying the Eastern States; but there are industries in the Eastern States, too, which, to a much greater degree, supply Western Australia. I think I gave the figures last night. We imported approximately £67,000,000 worth and exported about £25,000,000 worth. To a great extent what Mr. Davies says is correct, but it applies to a relatively smaller number of people than it does in reverse ratio. We have to consider what further facts there may be. I am not sure whether Mr. Hearn gave the figures, but the estimated added costs to the goldmining industry here would be approximately £116,000; the added cost to farmers would be £30,000; the railways would suffer an added cost of £24,000, and £6,000 under the "to-and-from" clause, to which must be added £16,000 for retrospectivity; while the coalmining industry would have an estimated added cost of £23,000. That is the estimated cost if the Bill were passed without any revision at all. That does not include the cost to other industries in the State.

I mention these because in the main—in fact without exception—they represent those people who could not pass these costs on. For instance, in the goldmining industry there is no revenue because the price of gold is static. The railways and the coalminers are working on a very fine margin, and have no reserve with which to meet these extra costs. They would have to pass them on to somebody, and the community would pay. Where there are extra benefits I think we are linked with those who have to find the money, so that these benefits can be paid.

Railway premiums last year amounted to £54,000, but the conditions I spoke of would involve nearly another £50,000, which would make their premiums double. If they passed on the cost in the shape of added freights, that would affect the farmer. He not only has to pay direct compensation premiums which apply to his own industry; but in paying additional railway freights, he would be getting it in another way as well. If the price of coal were increased it would inflate railway costs; and if that rise were passed on, the increase in freights would become appreciable.

If the price of coal affects the price of electricity and gas, that means that the householder comes into the picture, and has to pay the extra amount per unit for the gas and electricity consumed. So it is not simply a matter—and I want to make this quite clear—of asking the employer to dig into his pocket and meet these extra costs out of his profits. Where public utilities are concerned, that cost eventually works down to the members of the community.

I would like to quote one or two remarks that were made by the Premier when he replied to the debate in another place. I am not sure I have the wording correct, but I think it is near enough. In one case he said that workers' compensation is to compensate a worker legitimately injured in the course of his employment. Again he said—

> I am not satisfied that the Second Schedule as it stands in the Act as at present is in the best possible form. But from time to time Parliament is in the position to improve that schedule in any way it wishes.

We entirely agree with that; and that is why those of us who support the second reading of this Bill are going to move for a select committee so that the anomaly to which the Premier himself referred can be cleared up. Again, the Premier said that employers who pay compensation can claim this as a deduction, and get an allowance from the Taxation Department. As members will realise, that is true, but only partly so; because while employers can claim for the full amount they pay, it only applies to the assessments, and is not a deduction from the actual tax.

I have tried to point out that while I think the House is prepared to consider some adjustment of the present payments, we do not want to enter into it lightheartedly on the assumption that industry is prospering in this State, and that it is not going to be an appreciable item in the costs to industry or to the community generally. It is something we must bear in mind, particularly when the committee is going into the question of rates and assessments and benefits generally.

I want to make it clear, too, that I think industry as a whole is quite prepared to admit the principle of workers' compensation provided it is reasonable.

But it does object to certain features, such as, for instance, the "to-and-from" clause and the principle of retrospectivity. It objects to the "to-and-from" clause because it applies to risks that can be taken by the worker when he is no longer under the control of the employer. Under retrospectivity the benefits apply to a period when the old rate of premiums existed; and sooner or later the difference must be made up in added premiums which apply to the future. That is a big consideration in the total costs to industry and to the community. With those comments and reservations, I support the second reading of the Bill.

HON. E. M. HEENAN (North-East) [9.24]: As is the case with other speakers, this is not the first occasion on which I have spoken on a Bill to amend the Workers' Compensation Act. I remember that when I first came into Parliament it was not compulsory for employers to insure their employees; and although for some years past that state of affairs has come into operation, and is now taken for granted, many people do not realise what a great fight took place in order to bring about what seems now a necessary and obvious aspect of workers' compensation.

I remember that not so many years ago, when the first mining boom was on, a number of small companies sprang up. They took up leases and operated claims with inadequate capital. They were what are called wild cat companies. In some cases their funds ran out, and they had not insured their employees. The companies went broke, and there was no money available for the unfortunate employees who met with accidents; they could not recover compensation.

One very bad case I recall occurred at Southern Cross, where a man was killed, and his unfortunate widow and children did not recover one penny piece in compensation because the company was a company of straw and had no assets; there was nothing to recover from. It must seem strange to younger people to realise that state of affairs existed. It is only a few years ago that it did exist; and the records of "Hansard," which can be perused by anyone, will prove that over a number of years the proposal to amend the Act to make workers' compensation compulsory was strongly opposed, and the amending Bill was defeated on many occasions before ultimately the obvious necessity and merit of the proposal won through.

So although some speakers referred to this Bill as a hardy annual, it must be realised that workers' compensation as it exists today has been a gradual process evolved over the years. I do not think anyone can argue that at the present time it has reached ultimate perfection. The Chief Secretary and other speakers have pointed out that the rates operating in this State of Western Australia are behind those that operate for the benefit of workers in many other parts of Australia. We on this side of the House, I think with some justification, ask why that is so. Why do we have fewer advantages for our employees in Western Australia than other parts of the Commonwealth have. Apparently rates have been increased in the Eastern States, and the whole scope of workers' compensation has been expanded into new fields so as to include the "to-and-from" clause. Apparently no dire results have occurred.

I have here the "Australian Financial Review"; it is a recent issue dated the 21st October, 1954. On the main page there is a large heading entitled, "New Record Outlay on Factories, Shop Premises in Australia." The article goes on to say—

> Factory and commercial building in Australia is booming. Statistics issued this week by the Commonwealth Statistician show that the value of buildings other than houses begun in the June quarter was a record of £31,323; a rise of £6,270 on the previous quarter.

Hon. L. Craig: All those industries are protected by tariffs.

Hon. E. M. HEENAN: I also have "Jobson's Investment Digest" dated the 26th August, 1954. Here are a few headings taken at random—

Hon. C. H. Henning: Not selected by you?

Hon. E. M. HEENAN: Perhaps "random" may not be the perfect word; they are, however, spread over the paper. Here they are—

> Engineering Supply Co. of Australia Ltd., familiarly known as E.S.C.A., earns record profit. Turner Manufacturing's Profit Recovers. Hire Finance Profit Up By 57 Per Cent. Substantial Rise in Beaver Trading's Profit and Dividend. William Cable Raises Dividend Following Record Profit. Meggitt's Profit and Dividend Up.

Getting nearer home, I would refer to the October issue of the "Industrial and Mining Review." There is a report on Lincoln Mills of Australia.

Hon. H. Hearn: That is an Eastern States concern.

Hon. E. M. HEENAN: It says that the turnover was nearly a record.

Hon. H. Hearn: What has the turnover got to do with the profit? Can you give some idea of the net return on capital invested?

Hon. E. M. HEENAN: The report says—

> In a preliminary statement the directors of Lincoln Mills of Australia Ltd. advise that although the accounts for

the year ended June 30th, 1954, have not yet been finalised, turnover for the period was the second highest in the company's history and after making a special provision against future wool market fluctuations, the year's profit will be the best yet achieved.

Hon. H. Hearn: There is nothing very illuminating about that.

Hon. E. M. HEENAN: They all follow the same pattern. Another paragraph is headed "Australian Prosperity. More Money is Spent." It reads—

> Interesting facts about the economic preview for 1954-1955 were revealed by Mr. Fred Vohralik, statistician for J. Walter Thompson Aust. Pty. Ltd., at the recent Kraft convention held in Sydney and Melbourne in July.
>
> "A big pie is cooking for 1954-55; it looks like being the biggest and most successful period that we've had for some years," said Mr. Vohralik.
>
> "Exports play a big part in the life of Australia. The value represents half that of all retail sales. When exports are high and prices good, business is buoyant. Australia's main export product is wool, which represents 80 per cent. of value of goods exported and it is maintaining a steady price level which will not slacken in the coming year. It will stay in spite of synthetics."

The reports contained in these reviews and periodicals convey very clearly that business in Australia is prosperous, and that the outlook is very promising. Apparently this is more so in the Eastern States where workers' compensation benefits have been increased.

Hon. H. Hearn: You mean they have been increased in the highly-industrialised States. Western Australia does not come under that category.

Hon. E. M. HEENAN: The convincing fact is that despite the operation of higher benefits under workers' compensation in the Eastern States, industries there are able to carry the higher payments, and are apparently prospering as they have never prospered before. I cannot see any evidence that the position in Western Australia is radically different.

I have no figures dealing with local industries; but from what I know, industries in this State are passing through prosperous times, and the outlook for Western Australia is as good as in any other State. This indicates that the time has arrived when industry here, in fairness to the workers, should face up to the obligation of passing legislation which vitally affects the welfare of employees. While on that aspect, I would quote again from the "Industrial and Mining Review", dealing mostly with goldmining.

Hon. L. A. Logan: Tell us about the profits of the goldmines.

Hon. E. M. HEENAN: I cannot tell members everything at once. This report of a statement by the chief officer of Ford Motors in Australia is convincing because his word in industrial spheres carries great weight. He said—

> Management could make one of its greatest contributions to industrial expansion in this country by demonstrating to somewhat sceptical employee organisations that it was genuinely concerned with human factors, Mr. C. A. Smith, managing director of Ford Company of Australia, said in Adelaide on September 22nd.
>
> This was the real challenge to industrial relations now emerging in Australia.
>
> Mr. Smith said he was convinced that the phenomenal expansion of industry in recent years could continue, smoothly and with advantage to all, only if management made proper use of the human factor.
>
> Only in this way could it get the results it desired through the people it employed.
>
> Mr. Smith was addressing a meeting of the Adelaide division of the Australian Institute of Management.

Though industries are passing through good times at present, I realise that they have experienced bad times in the past. I am not unmindful of the fact that the goldmining industry has had a very hard struggle in recent years. In the same issue of the "Industrial and Mining Review" is a report dealing with the attitude of the United States towards the price of gold. The heading is, "Little Hope Seen for Rise". Every increase in price makes it much more difficult for the goldmining industry to carry on.

But we must look at this argument broadly. The goldmining industry has manfully stood up to its obligations in the past. It is tackling present-day problems by introducing modern equipment and by making economies in directions where they can be effected. I am confident that the goldmining industry will fall into line with whatever operates in other industries in regard to workers' compensation.

The arguments and reports I have read out express my own view on the subject. The time is now opportune to bring this Act up to date, to extend the benefits in a more generous way, and to bring them into line with the standards existing in the other States. There is the contentious "to-and-from" clause. We must realise that the original conception of workers' compensation will not stand for ever.

I think Mr. Craig stated that an all-important aspect involved in workers' compensation was that a man who suffered

from an accident should get back to his work as quickly as possible. I cannot altogether agree with that. I believe that the all-important aspect, or indeed the whole purport of workers' compensation, is to compensate a worker and his family for what he loses as a result of injury sustained in the course of his employment. Through no fault of his own, he is thrown out of work.

Hon. A. R. Jones: It may be due to negligence.

Hon. E. M. HEENAN: The law deals with that.

Hon. H. Hearn: We pay just the same.

Hon. E. M. HEENAN: I know a little about workers' compensation law, and the hon. member should not tell me that if an employee, through misconduct, is injured, the employer still pays.

Hon. H. Hearn: We still pay. Tell me of any case where the worker has not collected, irrespective of whether he has been in the wrong. You cannot.

The PRESIDENT: Order! Mr. Heenan will proceed.

Hon. E. M. HEENAN: I tell the hon. member very advisedly that if an employee, through his own misconduct, or because of his own volition, meets with an accident, the employer is not liable.

Hon. H. Hearn: That is the theory, but tell us the practice. Find some cases, and let me know where the employer has not paid.

Hon. E. M. HEENAN: The hon. member may read the law books for himself. He is trying to tell us that in every case where a worker sustains injury in the course of his employment—

Hon. H. Hearn: The employer pays compensation.

Hon. E. M. HEENAN: I disagree with the hon. member.

Hon. L. C. Diver: What Mr. Hearn says is correct, and employees are insured for that reason.

Hon. E. M. HEENAN: Only a few years ago, a man in Kalgoorlie lost a finger in machinery, and the court held that the accident was due to his own misconduct. He was more or less in financial difficulties, and the evidence proved that the accident was due to his own fault.

Hon. H. Hearn: That would be a self-inflicted wound.

Hon. E. M. HEENAN: Maybe. However, I do not wish to get into a legal argument, but I am sure that Mr. Hearn is quite mistaken that compensation has been paid in those circumstances. No wonder he says that the honeymoon is over. Admittedly, the "to-and-from" clause is a contentious one, and I do not propose to deal with it at great length. However, it is necessary for a man to travel from his home to his work and then return home, and I think it is logical that if he meets with an accident when going to or from work, he should receive compensation. I believe that industry here eventually will have to face up to this liability, as it has done in the Eastern States. The result of an accident in those circumstances is that the worker is thrown out of employment, and no income is being received for the family. I do not think that many accidents do occur to men while on their way to and from work.

Hon. H. Hearn: Did you listen to the returns I quoted?

Hon. E. M. HEENAN: I am afraid I did not.

Hon. H. Hearn: It is quite another story.

Hon. E. M. HEENAN: I believe that no man meets with an accident if he can possibly avoid it. Of course, there will always be the malingerer and the odd man who will chop off a toe or do something of that sort, but such men represent an infinitesimal section of the workers. It is always better and more profitable for men to be in health and at work; that is a law of human nature.

I quite agree that if a man goes looking for trouble by frequenting hotels and getting drunk or otherwise misbehaving himself, industry should not be called upon to pay for an accident in those circumstances, but the man who genuinely meets with an accident in his legitimate journeying to and from work should receive compensation. As I have already pointed out, the payment of compensation in these circumstances apparently operates satisfactorily in the Eastern States, and industry there has been able to prosper in spite of it.

Hon. A. R. Jones: And you say that a worker should be compensated in those circumstances? Why should not he insure himself?

Hon. E. M. HEENAN: In the society in which we live, a worker and his family cannot subsist on nothing. A family man on the basic wage cannot afford to insure himself. My contention is that a man's going to and from work represents an integral part of his employment.

The Chief Secretary: Yes, part and parcel of it.

Hon. A. R. Jones: It is not.

The Chief Secretary: Then how can he work if he does not go there?

Hon. E. M. HEENAN: It being an integral part of his employment, I maintain that it is the obligation of industry to insure him for that period, though I would not advocate that he should be covered for the week-end when he is out playing games. During working days, his travelling to and fro is linked up very closely

with his work. It is necessary, from the employer's point of view, that he should travel from the place where his home is situated to the factory, and then from the factory to his home, and it is by no means stretching a point to argue that this forms part and parcel of his employment.

Hon. J. Murray: Where would you draw the line; at his front door or back door?

Hon. E. M. HEENAN: We should not treat the matter with levity.

Hon. A. R. Jones: Would you draw the line anywhere?

Hon. E. M. Heenan: I would apply commonsense.

Hon. H. Hearn: Which door would be commonsense?

Hon. E. M. HEENAN: We shall not get anywhere by being facetious when dealing with a matter of this importance. If I were drafting the legislation, I would be content to prescribe from the time he left home and reached his employment, and from the time he left his employment and reached home, and I would not bother whether it was the front door or the back door.

Hon. A. R. Jones: Would the employer have the right to say that an employee should live within a few minutes' distance of his place of employment?

Hon. E. M. HEENAN: If an employer said that a worker had to live within a certain distance of his place of employment and it was impossible to do so, he would have to be told. I suppose an employer could overcome any difficulty by laying down a condition that his workers must live within a certain radius of the place of employment. However, those are minor matters that have been worked out in the Eastern States, and the legislation there is functioning satisfactorily. I appreciate that there are difficulties and that this proposal represents a new departure here, but we have to realise, when dealing with the subject, as the Ford company has done, that employees must be looked after and that industry must keep abreast of the times in matters of workers' compensation as well as in other ways. I support the second reading.

HON. R. J. BOYLEN (South-East) [9.58]: Needless to say, I support the second reading of the Bill. Similar measures have been introduced annually ever since I have been in Parliament, and I believe they were introduced periodically before that. Such amending legislation is necessary because of the modern trend and the increases in the cost of living. At present we have the farcical situation of the Arbitration Court's sitting and investigating the cost of living in relation to the basic wage and nothing happening. Surely we are not going to adopt that attitude!

Parliament has a greater responsibility than that to injured workers. Not only has an injured worker to live exactly as when he was in employment, but he has additional costs to meet as a result of the sickness entailed. There was a time when Western Australia led the other States in the matter of benefits to injured workers, but now we are lagging behind to a considerable extent and have lagged badly, particularly in the last 12 months. If the position in the Eastern States is to be reviewed, we shall have concrete proof of that.

Last year, efforts were made in the Legislative Assembly to liberalise allowances and payments under the Act. Unfortunately, this House took a different view, and in many respects the proposals of another place were ignored entirely. This brings to my mind recollection of the insincerity of members of the Opposition when on the hustings. It is quite an easy thing to make all sorts of promises on the hustings.

Hon. H. Hearn: Such as no intention to resume any more land?

Hon. E. J. BOYLEN: Those members from the hustings make all sorts of rash promises as to what they intend to do, but they know that such measures will not be allowed to pass this House. How long the public are going to be fooled by this sort of thing and elect members on those promises, I do not know.

One provision which strikes me particularly is that dealing with the payment of allowances to overseas dependants of the injured worker. As was pointed out last night, the Act at present makes some provision for such dependants, but only for a period of five years. I think that if a worker is killed or injured in industry his dependants overseas should receive the normal benefits under the Act, without any time limit of that sort. I feel that that clause is certainly one well worthy of consideration by members.

The contentious "to-and-from" clause appears again in this measure. A similar provision was introduced on two occasions in another place by non-Labour Governments and was passed through that Chamber but rejected here. Again, I say it is time the people of Western Australia took stock of the promises made to them by members of the Opposition when on the hustings. Admittedly many of those promises are honoured in another place; but they lack sincerity, because it is known that the legislation embodying what has been promised has no chance of passing through this Chamber, because of the attitude adopted here. That has been proved in successive years; but I hope that a more reasonable attitude will be manifested in relation to the measure now before us.

A worker in the goldmines of Kalgoorlie or Boulder, having completed his shift, may be asked by the management, or whoever is immediately in charge of him, to work a certain amount of overtime, because of a breakdown of machinery or something like that; but of course he has to have a meal, and probably has to go to his home for that purpose. Although he goes home to his meal and returns to work purely at the request of the employer, he is not covered by workers' compensation during that period. I therefore feel that the "to-and-from" provision should receive serious consideration. Even if it were agreed to in restricted form, that would be some improvement on the present position.

Hon. A. R. Jones: I think the worker would be covered in the circumstances you have outlined.

Hon. R. J. BOYLEN: I do not think so. I know who would finish up on the right side, in those circumstances, if a solicitor got hold of the Act. I feel that from the time a man leaves home to go to work, until he arrives at his home after work, he is entitled to compensation should he meet with an accident. We know of instances in the past where opportunities have been sought to avoid paying workers' compensation.

Hon. A. R. Jones: There is a moral obligation—

Hon. R. J. BOYLEN: A worker is a worker, irrespective of what he receives, and he is entitled to compensation if he is injured in the service of industry. The measure contains provision to alter the definition of "worker" to cover the man earning up to £2,000 per year.

Hon. L. A. Logan: Not many workers earn that much.

Hon. R. J. BOYLEN: Then there is nothing to worry about. I say that £2,000 is not such a great sum today although admittedly it is a fairly high salary.

Hon. A. R. Jones: You would bring members of Parliament under the definition.

Hon. R. J. BOYLEN: I think the hon. member would be a fairly safe risk. There is also in the Bill a provision which is of paramount importance to workers today because of the attitude of the Arbitration Court towards the cost of living, and here I refer to the provision covering weekly payments to injured workers. At present, the worker without dependants, when injured, gets £8 per week, but I would point out that he has high expenses in the matter of board and so on.

Hon. N. E. Baxter: The worker without dependants should be all right on £8 per week—

Hon. R. J. BOYLEN: The hon. member would not board that man in his hotel for less than £7 per week. At all events it is proposed to increase the allowance to £9. A man with dependants at present receives £10 per week when injured, but I would say that there are very few workers in the mines today who do not give their wives £12 per week for housekeeping expenses. The Bill proposes that the maximum for the married worker with dependants shall be £12 16s.

Another provision of great importance is that seeking to raise the amount of compensation for death or permanent incapacity to £2,800, which is the amount paid in certain other States. In New South Wales there is no limit to the compensation payable, and in the Press we see that, in the case of traffic accidents, the dependants of the person killed may receive up to £10,000. If a judge there thinks that is a fair amount of compensation, why should it not apply elsewhere? In spite of the slight increases granted last year, Mr. Hearn's industry was still able to make greater profits and pay greater dividends. I am tired of hearing that industry cannot pay for the increases sought, because I am convinced that industry in this State will show still greater profits next year.

Hon. A. R. Jones: I am agreeing with the hon. member—

Hon. R. J. BOYLEN: It is all very well—

The PRESIDENT: Order! The hon. member must address the Chair.

Hon. R. J. BOYLEN: I remember that many years ago, when the question of the hours worked was under review, there was a great outcry. At one stage the weekly hours were 56. Then there was a reduction to 54, and so on, until we eventually arrived at the 40-hour week; while the actual number of hours worked is lower in certain industries, such as some sections of the mining industry.

At all events we were told, on each occasion that reduction of hours was sought, that the employers would go bankrupt. Yet they are doing better now than ever before, and industry is in a better position purely as a result of the increased efficiency of the employees. In spite of that, we now hear the same cry when increases are sought in workers' compensation; and we are told that if they are granted, industry will go broke. Even the Prime Minister during the last Federal election campaign, told us how prosperous industry in Australia was, and he was honest enough to say that it was due to the efficiency of the workers of this country; yet he has done nothing to help them.

I think that the industry affected more than any other by workers' compensation is the goldmining industry. I do not believe there has been one month this year without a fatal accident on the Goldfields, either at Norseman, or at Kalgoorlie, or at Boulder; and I can recollect that in practically every case the deceased has been a young man with a number of dependants. For that reason I hope that when this House deals with the provision which seeks to increase the total amount to be paid for death or incapacity it will give it very serious consideration.

Is it thought that £2,800 would be a very glorious amount on which a widow should support herself and her children for the rest of her life? I hope this House will adopt a charitable attitude in this regard. There are many minor accidents on the Golden Mile in which men lose anything from a week's work to many months. An accident may often appear to be of minor character, and yet result in the worker developing a serious illness; and so I hope that when the Bill is in Committee, this Chamber will adopt an attitude different from that which it has taken up in the past in this regard, and that the workers of Western Australia will be given some consideration.

HON. G. BENNETTS (South-East) [10.10]: As Mr. Boylen said, we have lately had a lot of serious accidents in the mines on the Goldfields, and I knew several young men who have been killed and have left fairly large families. I believe that even £5,000 would not be too much compensation for the loss of the breadwinner of a family, because it is obvious that the widow left with a number of small children cannot go out to earn a living but must depend, apart from the compensation paid, on her widow's pension and a few shillings child endowment. That would provide only a miserable living, in view of the present cost of children's clothing and food; and, in addition, the widow is probably either paying rent or paying off a home. Even in my own family I know that my boys—they are steady lads who do not indulge in liquor and who, even if they wanted to, could not afford to because of the cost of rearing a family today—have nothing to spare at the end of the week. If one of those boys was killed and his widow received £2,800 compensation, how long would it last?

Hon. A. R. Jones: A widow might remarry.

Hon. G. BENNETTS: It is hard to find a man who will take on a widow with four or five children.

Hon. H. Hearn: It is being done regularly.

Hon. G. BENNETTS: A widow with a large family would be fortunate to find a man who would be willing to marry her, and so she would be faced with a hard struggle. In any case, I do not think money can replace the husband in a home.

The provisions of the "to-and-from" clause apply already in this State to employees of the Commonwealth railways in the circumstances outlined by Mr. Boylen about going home and returning to work. Casual employees of the State railways may work anything from one to four hours and then be sent home and asked to come back at a certain hour, on account of a train running late, but once they are booked off they are not covered by workers' compensation because they are casual workers, whereas if they were on the permanent staff they would be covered in those circumstances.

I would point out to the House, in relation to this provision, that if the worker was not going to work, he obviously would not meet with an accident at that particular time and place; and so I say he should be covered by workers' compensation, if he is injured either going to or returning from work. He is covered if he is a Commonwealth employee; though he must follow the same course every day. Therefore, he should be covered. If it is good enough for a worker in the Eastern States and on the Commonwealth railways to be covered, it is good enough for the worker in this State to be covered. We should not begrudge an increase in workers' compensation payments to the worker. There is no doubt that the cost of living is ever increasing and the compensation payments should be raised accordingly. I support the Bill.

HON. C. H. HENNING (South-West) [10.16]: The longer I listen to this debate, the more convinced I am that the Bill should be referred to a select committee. We have heard many statements that are accurate, and some that are not accurate. We have heard a great deal of reminiscing. There has been brought into the discussion that which the Chief Secretary deplored whilst broadcasting on Monday last, but did not even frown at when it was mentioned during this debate by a member of his own party.

The Chief Secretary: I have not had a chance.

Hon. C. H. HENNING: We have heard very little as to why anything should be done. All we have been told is that because it is done in the Eastern States, it should be done here. We have had read out the balance sheets of companies that are operating in the Eastern States showing that they have made a profit of 50 per cent., but we have heard very little in regard to the companies in this State. Nobody has told us what was done in the Eastern States and copied at Fremantle yesterday and today and what possibly will be done in the next few days.

I believe it is not a question of whether industry can afford to pay increased workers' compensation payments; it is a question of what the people as a whole can afford to pay; and also what is regarded as a fair and just payment to those who have been injured in the course of their employment. I do not think anything has arisen from this debate on which we can base the opinion that the Bill is fair and just. However, I believe that the evidence which a select committee could gather would form a basis on which we could make fair and reasonable amendments to this Act. Therefore, I support the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [10.18]: It was my original intention to close the debate with only a few words. I had thought at the time that there would not be a great deal of discussion, and that I could reply briefly when that time arrived. However, after thinking the matter over, and listening to the many speakers who have addressed themselves to the Bill since I made that resolution, and also considering that there was a chance that you, Sir, would not allow me to reply to the statements that have been made on the proposal for the appointment of a select committee, I thought that it would be best for me to reply now to the remarks that have been made during the course of the debate.

I am pleased that members have signified their intention of passing the second reading of the Bill, but I deplore the suggestion regarding a select committee, which does not appear to be of any value.

Dealing with the contribution made by Mr. Hearn, I would like to emphasise that the provision contained in Clause 2 of the Bill is identical with that contained in the 1948 amendment Bill introduced by the McLarty-Watts Government and approved by the present Opposition members in this House. It applies only to workers who will be receiving, or who will be entitled to receive weekly payments on or subsequent to this amending Act coming into operation. One of the main objects is to protect the worker who suffers a true recurrence without any further accident some years after his injury, and whose weekly payments could be as low as £4 or £5 because he must be compensated under the legislation existing at the time of the injury. The additional cost to industry by the operation of Clause 2 would, in respect of such cases, be almost infinitesimal, but it would mean a great deal to the few workers concerned.

With reference to the additional cost to industry, I disagree with the hon. member that it is impossible for the manager of the State Insurance Office to give any reliable information regarding the estimated increase in cost to industry should the Bill become law. When the Minister seeks information of the manager it is his bounden duty to furnish reliable and accurate information. Admittedly the percentage quoted is an estimate only. On previous occasions the estimates given, when compared with actual results, have proved most reliable; and this has established also the unreliability of the figures presented from time to time by members opposing the proposals.

The amending Act came into operation on the 12th March, 1954. The manager of the State Office has obtained his figure of 22.7 per cent. from statistics in respect of accidents which occurred on or subsequent to that date. Where there were insufficient claims finalised in respect of such accidents, earlier cases had to be included, but the cost of such claims was converted to the present Act costs before the increased costs, due to the proposed benefits, were determined. It takes many months and sometimes years to finalise claims involving First Schedule lump sum payments.

If that adjustment were overlooked by the companies the result would be a proportionate increase in the estimated cost of the proposed benefits. The hon. member stated that the figures given by six companies ranged from 19 per cent. to 27 per cent.—the average being 22.04 per cent.—and that those figures related to weekly benefits only, and that it would appear that Second Schedule increases would approximate 60 per cent. Notwithstanding the wide disparity in figures he apparently took no action to test their accuracy. I have ascertained very definitely that the figure of 27 per cent. quoted by a tariff company is not in respect of weekly payments, but refers to all proposed increases, including those of the Second Schedule, contained in the Bill.

I presume that the six companies were asked to supply the same information, and if the other figures quoted are similarly based the average of 22.04 per cent.—assuming that it is not just the averaging of averages—agrees with the estimate of the manager of the State Government Insurance Office. If they are not similarly based, and some refer to weekly payments only, obviously the average is valueless, as the basic figures are not comparable.

So far as I can recollect, only on one occasion has the manager of the State Insurance Office stated that the proposed increased benefits could be carried without any increase in premium rates; and on that occasion there was no such increase by either the State office or the other insurance companies, which proved the correctness of his prognostication.

In respect of this Bill, it has been stated that the proposed increased benefits could cost industry £1,000,000 per annum; but

when it is realised that that figure would represent an increase of, approximately, 80 per cent. on the total premiums of £1,398,991 paid to all insurers under the Act for the year ended the 30th June, 1954, it could not be seriously considered.

Hon. C. H. Simpson: Is not that figure a bit light? I think there were higher figures quoted both in this House and in another place in regard to the total premiums paid by insurance companies.

The CHIEF SECRETARY: Those are the figures given to me as being correct.

Hon. L. A. Logan: It was a total of £1,400,000.

The CHIEF SECRETARY: Well, this figure of £1,398,991 is not far off that. The passing of Clause 3 of the Bill will not adversely affect the mining companies as stated by the hon member. He said that every man in the industry, whether on piece work or day work, is insured. The State office is the only one authorised to insure a mining company. If a premium is charged on a minimum of £2,000 in lieu of the present figure of £1,250 and, as no additional worker would be involved, the result must be an equivalent reduction in the premium rate, which would no doubt continue to be assessed by the Premium Rates Committee on the basis of a 70 per cent. loss ratio. It does not necessarily follow that the State Government Insurance Office would charge premium on the full £2,000. The mining companies have much for which to thank the State office.

Hon. H. Hearn: And vice versa.

The CHIEF SECRETARY: Possibly so; because if there had not been any mining, there would not have been any State Government Insurance Office. Without that office they would assuredly still be paying 90s. per cent. for their silicosis risk as against 30s. per cent which they are now paying. It is the policy of the office to confer with, and, so far as possible, meet the desire of the Chamber of Mines in these matters.

There is no logical reason why any worker should be expected to make his own provision for compensation for injuries sustained whilst serving his employer; and it is considered that in present circumstances the extension of the definition of "worker" to those earning £2,000 per annum is fully justified.

Dealing with Clauses 3 and 4, it is not correct to say that under the proposed amendment payments to overseas dependants could, after a period of five years, be sent to any part of the world merely by Order in Council. Before such an order could be issued, the Governor, under Subsection (5) of Section 6 of the Act, must be satisfied that the laws of the country to which the order would apply, are similar to the provisions of our Act, and reciprocal legislation could apply only to such countries. At the present time dependants in those countries can only receive benefits upon the death of the worker, and all this amendment seeks to do is to make benefits available, if the worker, whilst incapacitated, does not die as a result of the injuries sustained. Under the existing provision, dependants could receive no benefits even if the worker were totally and incurably paralysed.

Towards the end of 1947, the McLarty-Watts Government appointed a Royal Commission to investigate all aspects of workers' compensation. A very large number of witnesses gave evidence before the commission and it took the commission approximately nine months before it was in a position to submit its report. The evidence taken by the commission, together with its report, are still available to anyone who cares to study them. On the commission's findings a very large number of amendments were introduced into the Workers' Compensation Act, and these had the effect of considerably tightening many of the provisions then existing, under which the exploitation of the Act was possible. It is only six years since these major amendments were incorporated in the Act. The only amendments made in the meantime have been in respect of the amount of compensation injured workers were to receive.

It is considered that it would be almost physically impossible for a select committee to carry out any reasonable investigation in sufficient time to submit a report this session. This could mean that no additional benefits would become payable to the workers for at least 12 months.

The main objection to the Bill, according to the speech made by Mr. Hearn, was the additional cost to industry; but I have previously pointed out that the actual cost to the individual employers would, in fact, not be great. If the figure of £140,000 previously mentioned was somewhat exceeded, the overall cost would not be substantial.

Workers suffering from industrial and non-industrial diseases were dealt with by Dr. Hislop. A thorough investigation into that aspect of workers' compensation would occupy a very considerable amount of time of the select committee. There is already provision in the Workers' Compensation Act to enable an investigation of that nature to be undertaken, and I would quote from Subsection 13 of Section 29 of the Act, which reads:—

> The Board (referring to the Workers' Compensation Board) shall also have the following powers:—
>
> (a) To investigate all matters relating to industrial diseases of any nature whatsoever and to

cause to be made a study of the causes, and the results of varying methods of treatment of such accidents and diseases, and to publish from time to time such findings and information as, in the opinion of the Board, is in the interests of the proper administration of this Act, and for all or any of such purposes may co-opt not more than three qualified medical practitioners registered under the Medical Act, 1894-1946.

It will be realised that such an investigation could be a continuing process, but action could be taken on reports and recommendations made from time to time. Admittedly the board, which was appointed in 1949, has had ample opportunity to put in motion an investigation as contemplated when that provision was incorporated in the Act. In the event of the appointment of a select committee being not agreed to, it is my intention to immediately take up the matter with the responsible Minister with a view to having that provision complied with. I think Dr. Hislop will agree that it is most desirable to have medical practitioners appointed to any committee which might be investigating industrial diseases. Such an investigation would deal with far more industrial diseases than that of silicosis, and would cover the whole of the diseases listed in the Third Schedule to the Act.

Reference was made by Dr. Hislop to an investigation for the prevention of accidents and other research associated with workers' compensation. When the 1948 Bill to amend the Act was introduced by the McLarty-Watts Government, it contained ample provision for the Workers' Compensation Board to investigate the cause of accidents, and to take any action necessary where the cause was inefficient and/or unprotected machinery, or the nature of the premises in which the worker was engaged. Unfortunately, that provision met with considerable opposition from the then Government members in this House, and it was deleted from the Bill.

From the debate it would appear that members are under the impression that payments under the Second Schedule form a large proportion of workers' compensation payments to workers, but that is not so. The State Government Insurance Office handles a very large proportion of workers' compensation business in this State, and the total amount statistically recorded in respect of the year ended the 30th June, 1954, for payments made for injuries sustained during that year, totalled only £17,452 or 15.5 per cent. of the total compensation payments recorded.

I have here a schedule which shows the aggregate of amounts paid by that office under each of the Second Shedule headings for that period. It is as follows:—

Second Schedule payments recorded in Statistics for year ended 30th June, 1954:—

	£	s.	d.
Both eyes (partial)	1,519	12	0
Right arm	1,120	0	0
Left arm	610	15	0
Right hand	1,715	0	0
Leg	2,793	0	0
Hearing (partial)	278	5	0
Eye	1,074	10	0
Right thumb (or part)	1,088	10	0
Left thumb (or part)	437	10	0
Left forefinger (or part)	1,540	0	0
Right forefinger (or part)	1,394	15	0
Middle finger (or part)	999	5	0
Ring or little finger (or part)	2,443	15	8
Great toe	315	0	0
Other toes	122	10	0
	17,452	7	8

Hon. C. H. Simpson: What payments are those?

The CHIEF SECRETARY: They are the total payments for the year ended the 30th June, 1954.

Hon. C. H. Simpson: They seem to vary so much.

The CHIEF SECRETARY: They are the payments recorded in statistics. Much has been made of the additional cost to industry in the event of the Bill being agreed to. Because of the substantially lower administrative cost of the State Insurance Office when compared with that of the companies, the office is able to charge premiums a good deal below the maximum rates determined by the Premium Rates Committee, which are almost invariably charged by the companies.

Hon. C. H. Simpson: Those low premium rates could not operate on a commercial basis if the office had to sell its business.

The CHIEF SECRETARY: That may be so. I am just relating the facts as they are.

Hon. C. H. Simpson: I am making it clear, in case there is some misunderstanding, that it is Government business that comes to the office as a matter of course.

The CHIEF SECRETARY: The figures I will now quote indicate the saving to employers engaged in the more important industries, who insure with the State Government Insurance Office. This position is often better than the figures disclose as

good risk rebates of up to a further 20 per cent. are allowed to approved clients, whose claims produce a low loss ratio. The figures are as follows:—

Type of Industry.	Tariff Rates (per cent.) from 1-1-54.	S.G.I.O. Rates from 1-1-54.	Saving to Insured
Primary Producers—	s. d.	s. d.	%
Farmers, including Dairy Farmers	37 0	29 6	20·27
Pastoralists with a minimum carry of 3,000 sheep or 1,000 head of cattle	21 9	17 6	19·50
Primary Producers—			
Others	50 6	32 6	35·64
Fruit Growers	18 9	16 6	12·00
Heavy Industries—			
Foundries	46 3	37 0	20·00
Engineering :			
Not Structural	45 3	36 3	19·87
Structural	43 0	37 6	13·00
Builders :			
Under 30ft. structures	32 6	20 0	38·40
Over 30ft. structures	43 0	34 6	20·00
Other Industries—			
Butchers	42 9	34 3	19·90
Bakers	20 0	16 0	20·00
Dairymen—			
Milk Retailers	37 6	27 6	26·70
Not Retailers	42 0	33 6	20·00

These are the more important industries selected out of nearly 500 premium ratings for all types of industries, but similar reductions are applied to the other classifications. It is estimated that the proposed increased benefits will necessitate a premium increase of approximately 22½ per cent. It is obvious, therefore, that if those employers who are now paying maximum rates to the companies transferred their business to the State Insurance Office, they would effect a substantial saving.

Hon. H. Hearn: A very good advertisement for the State Insurance Office.

The CHIEF SECRETARY: A worthy one, of which the hon. member should take notice! The State office is prepared to carry the additional benefits at an increase of no more than 10 per cent. on existing maximum rates. For the year ended the 30th June, 1954, the premiums paid to all insurers totalled £1,398,991. An increase of 10 per cent. would amount to approximately £140,000. That is the maximum figure which industry need pay to enable the additional benefits to be financed; and when that amount was apportioned between employers in this State, the cost to the individual establishments would be very small.

If employers elect to continue their insurance with those companies which may charge higher rates—if such are approved by the Premium Rates Committee—thus reducing their profit margin, that is their business; but "increased cost to industry" should not be used as an argument to prevent our workers from enjoying compensation benefits equal to those enjoyed by workers in other Australian States, until such employers have put their own house in order.

I want also to give members an indication of what the figures would have been had the Bill of last year been carried. These figures relate to claims settled by the compensation board over a period of five months. In one case of a 50 per cent. disability to the lower part of the right arm the amount paid was £612. The amount which would have been payable if the Second Schedule had been adjusted by 20 per cent. would have been £735, a difference of £122 10s. Respective figures in other cases were £192 and £230 8s., a difference of £38 8s.; and £700 and £840, a difference of £140.

Then I have a long list of amounts settled by lump sum agreements. I could give the dates and the types of disabilities, but will not weary the House with those details. Suffice it to say that the difference between the total amount paid and what would have been paid had last year's Bill been agreed to was £1,986 15s. 4d. We have heard arguments about what the extra cost of this legislation would be; but when we get down to actual figures, we find it is not very large at all. In three sections of figures, the differences between the amounts paid and the amounts which would have been paid had last year's Bill been passed were as follows:—Applications settled by consent awards, £171 8s.; applications pending, £214; and amounts settled by lump sum agreements, £1,986 15s. 4d. Those were the totals that would have been paid had the Bill been agreed to; and that Bill made provisions for compensation of £2,800 to be paid.

Hon. H. K. Watson: It was hardly worth while bringing the Bill down in that case.

The CHIEF SECRETARY: I am glad the hon. member said that. I was going to mention that the aggregate amount was very small; but when it comes to payments to individuals, the story is altogether different. I am not going to weary the House by reading all the figures; but I would point out some of the differences, which were as follows:—£80, £49, £70, £105 and £112. To individuals who have been injured those differences mean a good deal, but the aggregate amount paid over a period of five months was only a matter of £2,000 or £3,000. Members have talked about the burden that would be placed on industry; but when we come face to face with the actual facts, we find that the story is entirely different. I am not quoting estimates, but money actually paid.

I am very pleased at the reception the Bill has received up to this point. I would appeal to Mr. Hearn not to proceed with his proposal for a select committee. Let us deal with this matter in Committee. If the hon. member goes through the Bill,

he will find that it does not deal with all of the phases of workers' compensation, but relates to the schedules, which are very important to the workers; and to that famous provision which has been called the "cradle-to-the-grave" clause. Those are matters that do not need investigation by a select committee, but are points with which we have dealt for years.

I notice that during the debate most members asked why we should have such a Bill as this every year. They said it was a hardy annual. The reason is obvious. Members know that each year, when the Bill finally emerges from the conference of managers, the amounts provided in it are very low, and not sufficient to compensate workers for the injuries they receive. While we have an Act that does not give justice to the workers, is it not natural to assume that each year an attempt will be made to bring the compensation payments more into line with what they should be? Until such time as the Council agrees to a Bill which provides for payments suitable to the times, we will, irrespective of what Government is in power, have to consider amending legislation.

I emphasise that the figures I have quoted will stand investigation. They must give members some food for thought, because an increase in payment from £2,150 to £2,800 appears to be a large jump; but investigations show that although the jump is large, the overall cost to industry is very low. Having that in view, I hope that Mr. Hearn will not go on with his move for a select committee. He is over-optimistic, I think, if he believes we can appoint a select committee to delve into the phases that have been mentioned during the debate, and then have the Bill back here and passed before Parliament rises.

Hon. L. A. Logan: When do you hope to rise?

The CHIEF SECRETARY: Somewhere towards the end of this month—I will not say how far this side or the other side of it. If members persist in the appointment of a select committee, we might be lucky if we finish by Christmas Day.

Hon. R. F. HUTCHISON: Can I speak on the second reading?

The PRESIDENT: No.

Question put and passed.

Bill read a second time.

To Refer to Select Committee.

Hon. H. HEARN: For the purposes outlined in my second reading speech, I move—

That the Bill be referred to a select committee.

On motion by the Chief Secretary, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till tomorrow at 2.15 p.m.

Question put and passed.

House adjourned at 10.50 p.m.

Legislative Assembly

Wednesday, 3rd November, 1954.

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