

Legislative Council

Tuesday, 7th December, 1954.

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

ASSENT TO BILLS.

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

- 1, Loan, £14,808,000.
- 2, Fauna Protection Act Amendment.
- 3, Motor Vehicle (Third Party Insurance) Act Amendment.
- 4, Argentine Ant.
- 5, Soil Fertility Research.

BILL—BETTING CONTROL.

As to Correction of Division List.

The PRESIDENT: I have to announce that Division No. 6 taken in the Committee stage on the Betting Control Bill on the amendment moved to Clause 11 for the insertion of a new Subclause (7) was incorrectly recorded in the Council Minutes. The name of Hon. E. M. Davies should be deleted from the ayes and the name of Hon. L. C. Diver substituted.

BILL—BOOKMAKERS BETTING TAX

In Committee.

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

Clause 1—agreed to.

Clause 2—Bookmakers Betting Tax:

Hon. Sir CHARLES LATHAM: I cannot help feeling that with this provision we have a paradox. On the one hand the Commonwealth Government pays men to go

from place to place advocating that people save money; and on the other, the State Government asks us to authorise the spending of money. If it is sound to ask people to save money, it must be unsound to ask them to spend it. The only one who wins in this case is the bookmaker. I protest against the provision; but as Parliament has passed the previous Bill we have no alternative but to pass this measure.

Hon. J. G. HISLOP: It is disappointing that there is no allocation of money for methods to prevent betting. I believe the correct way to remedy this position is to instil into the minds of individuals a higher standard of culture than the mere betting on horses at betting shops. I had hoped that contributions would have been made from these funds to such cultural bodies as the Adult Education Board, libraries and live shows that could tour throughout the country. That would be one way to militate against this social evil and make the life of the community a better one. By putting money into Consolidated Revenue, Governments will budget for this amount, and the allocation for a three-year period will not mean much if this brings in large revenue to the Government. No Government will forgo the revenue once it has been established and any change will be limited to the amount of monetary response it will bring.

The CHIEF SECRETARY: I cannot understand Dr. Hislop's contention. Where would money come from for the Adult Education Board except out of Consolidated Revenue? I think the hon. member can take it for granted that irrespective of the Government in power, the allocation of money from Consolidated Revenue, to those concerned would be the maximum that the Government would have at its disposal.

Hon. J. G. Hislop: You will be getting more, and will therefore be able to contribute more.

The CHIEF SECRETARY: If there is more revenue, doubtless the Government will wisely use it in giving increases to orphanages and other institutions.

Hon. J. Murray: Dr. Hislop is stressing that he would like more generosity to be shown.

The CHIEF SECRETARY: I am emphasising that if the Government receives more revenue it will increase the payments made to various institutions that are doing so much good for the country.

Hon. Sir Charles Latham: You cannot commit future Governments.

The CHIEF SECRETARY: I am assuming that they will do the right thing; I know this Government will. What the future holds I can only assume. The money will be spent in some direction; and if I know anything about these bodies, if

they think there is money in the Treasury, they will not let the Treasurer forget they are alive.

Hon. Sir Charles Latham: Fancy using gambling funds for that purpose!

The CHIEF SECRETARY: We know that there are various purposes for which certain people will not use funds derived from gambling; but they will take money out of Consolidated Revenue. But a lot of Consolidated Revenue comes from gambling. The hon. member referred to paradoxes. There is one of them. People will refuse a direct gain from a betting concern but will accept it from Consolidated Revenue to which gambling contributes.

Hon. A. F. GRIFFITH: Could the Chief Secretary give me an explanation of the wording of this clause? It refers to the percentage of tax—1½ per cent.—of amounts paid or promised. We had a lengthy debate during the consideration of the Betting Control Bill concerning the enforceability at law of a gambling debt. Do I take it that the bookmaker will be taxed on what could be a gambling debt not recoverable at law but nevertheless assessed as a taxable amount?

The CHIEF SECRETARY: I would say that he would be taxed on the whole of the bets that appeared on the sheets, whether he had already had the cash or not.

Hon. L. C. DIVER: I am not too clear on this clause. It does not refer to amounts of money paid by the client but the amounts paid by a bookmaker.

Hon. L. Craig: It is the gross turnover.

Hon. L. C. DIVER: I trust there will be no litigation over it.

The Chief Secretary: There will not be.

Hon. L. C. DIVER: I think there will be. If it is the gross turnover that is referred to, that implies that the tax is something in the nature of a winning bets tax.

The Chief Secretary: It is a turnover tax.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 4 repealed and re-enacted.

Hon. H. HEARN: I hope members have had time to read the report of the select committee on the Bill. It will be noted that there are several amendments on the notice paper in my name. I move an amendment—

That all the words after the word "of" in line 6 be struck out and the following inserted in lieu:—

weekly payments and of the additional payments in respect of dependants referred to in paragraph (c) of Clause 1 of the First Schedule to the principal Act and the total liability of the employer in respect thereof is amended whether by or pursuant to this Act or by any subsequent Act the provisions of Subsections (2), (3) and (4) of this section shall apply.

(2) Notwithstanding any rule of law or construction to the contrary or an agreement which provides otherwise the worker shall be entitled after the coming into operation of the amendment to receive weekly payments (including payments in respect of dependants) at the amended rate or amount and the employer's total liability in respect thereof and under Subsection (3) of Section 7 of this Act shall be the amended total liability less the total of such payments made to the worker prior to the date the amendment becomes operative irrespective of whether the injury giving rise to the liability of the employer was caused to the worker before or after coming into operation of the amendment unless this section provides otherwise.

(3) Subsection (2) of this section does not apply to payments due in respect of any week commencing before the coming into operation of the amendment nor where, prior to the coming into operation of the amendment—

- (i) the employer's liability for future weekly payments has been determined by the board as an ascertained sum payable by way of redemption; or
- (ii) the employer's liability has been agreed as a sum payable by way of redemption by an agreement binding on the parties to it and registered under this Act as an agreement before or within fourteen days after the coming into operation of the amendment.

(4) A policy of insurance mentioned in Subsection (1) of Section 13 of this Act is deemed to include

a provision that where during the currency of the policy the rate or amount of weekly payments and additional payments in respect of dependants and the total liability of the employer in respect thereof is amended pursuant to this or by any amending Act the employer shall be insured in respect of liability for the amended rate or amount. This subsection shall have effect notwithstanding any rule of law or construction or a provision in the policy or any other agreement to the contrary.

(5) Where after the coming into operation of this Act the Court of Arbitration declares a basic wage differing in amount by more than five per centum from the amount of the basic wage as last declared by it prior to the coming into operation of this Act or from the amount of the last basic wage declared by it which led to an alteration in the amount of payments, allowances and benefits under this Act in accordance with the provisions of this subsection hereinafter contained the amount of all payments, allowances and benefits being specific sums payable to a worker under this Act and all specific sums representing the maximum entitlement of the worker or the maximum liability of an employer thereunder shall be increased or decreased in proportion to any such alteration in the basic wage provided that nothing in this subsection shall render an employer liable to pay any increased payment, allowance or benefit in respect of an accident occurring prior to the date on which the increase became operative except pursuant to Subsection (2) hereof.

The amendment seeks firstly to delete Clause 2, which would make the principle of retrospectivity apply to all payments under the Act, and to substitute a clause which will do two things. First of all it will apply retrospectivity to weekly compensation payments and to the employer's total liability of weekly payments. Secondly, it will tie the benefits payable to injured workers to the basic wage, so that as soon as the basic wage becomes either 5 per cent. more or 5 per cent. less than at present, all benefits payable to a worker will be correspondingly increased or decreased.

Dealing with retrospectivity, I must emphasise that the evidence given before the select committee showed that much added expense would be thrown upon all employers if this were applied to all payments, and that the greater part of this would be in the cost of lump-sum payments. The committee felt that some concession

should be given in regard to the weekly payments, since any large increase in the cost of living would create hardship to an employee who was on a lower rate of compensation. We felt it should not apply to the lump sums as the principle of retrospectivity in legislation is to be deplored and should be applied as little as possible. I questioned every witness who appeared before the select committee as to the desirability of tying the benefits under the Act to the basic wage. Every witness agreed that that was desirable, and Sub-clause (5) of this proposed Clause 2 will do that. It will tie every benefit payable to the worker—weekly compensation payments, death benefit, total payments, and lump sums—to the basic wage.

The CHIEF SECRETARY: The most important point is whether the Committee will agree to the deduction of the weekly payments from the lump-sum payment. If the Committee agrees to that, it will be going back ten years, because it must be the best part of ten years since this Chamber agreed that, under the Second Schedule, weekly payments shall not be a deduction from a lump-sum settlement. I think Mr. Hearn will agree that it would be possible, if this amendment is carried, for a person to find himself worse off than he is at the present time.

Hon. H. Hearn: That is not true.

The CHIEF SECRETARY: It is.

Hon. H. Hearn: Prove it.

The CHIEF SECRETARY: A number of workers have for a long time been on weekly payments. What they have received is not a deduction from the lump-sum payment, but under this amendment it would be.

Hon. H. Hearn: Of course it is a deduction! You do not know what you are talking about.

The CHIEF SECRETARY: I refer the hon. member to Section 7 (3). This has been an accepted fact since we decided some years ago, that weekly payments were not to be deductible from the lump-sum payment except where the full amount of compensation, as provided in the schedule, would be exceeded.

Hon. H. Hearn: That is the limiting factor.

The CHIEF SECRETARY: Yes; but if the hon. member gets his way a person could, by the amendment, receive some hundreds of pounds by way of weekly payments, and then a lump-sum settlement which would be a long way below the maximum amount allowed.

Hon. H. Hearn: But you have to take the Act as a whole, not the increased payments suggested in the amendments. You are dealing with one without thinking of the other.

The CHIEF SECRETARY: No, I have the whole lot in view. To make the weekly payments a deduction, is to go backwards; and I am sure that no Committee, in any House of Parliament, wants to do that. The suggestion of tying it to the basic wage, with an allowance of 5 per cent., means that the basic wage would have to increase by 12s. 5d. before the alteration would apply. That is a pretty large alteration.

Hon. A. R. Jones: Or decrease.

The CHIEF SECRETARY: Yes. It does not matter which way it is, it is still a lot.

Hon. L. C. Diver: It could still run in favour of the worker as it came back.

The CHIEF SECRETARY: It might. I am only trying to get something that will give justice to all concerned. An increase or decrease of 12s. 5d. is too big a margin. I suggest that if the other part of the amendment is carried, the Committee ought to water that down. I would say about 3 per cent would be nearer the mark—that would be about 7s. 5d. per week; and, after all, that is a fair margin. On one or two occasions there have been big jumps, but in the main the increase or decrease has been a matter of a few shillings only.

Hon. J. Murray: Would you prefer it to come before Parliament every year?

The CHIEF SECRETARY: That depends on the times. If it were necessary for it to come before Parliament, I would have no objection. It would not come before Parliament unless that were necessary. Until we get down to a solid basis, it should be reviewed periodically.

Hon. H. Hearn: It will be on a solid basis if this amendment is agreed to.

The CHIEF SECRETARY: No. I think the amounts set out in the Bill as it now stands will bring us into line with at least two or three of the other States. Until we do that we will be lagging behind. For the reasons I have given, I hope the Committee will not agree to the amendment.

Hon. J. G. HISLOP: Much as I would like to support this proposal of the select committee, I feel that consideration should be given to the question of deducting weekly payments from total compensation, because the man who is really injured and spends some time in hospital, will be the one to suffer most under this amendment. My view of workers' compensation is that the man most seriously injured should receive the greatest consideration. A man who loses a limb and is in hospital for a short period only will receive a considerable amount of his lump-sum payment; but if a man suffers a crushing accident and is in hospital for a long period, he will receive very little of the lump sum for his total disability. I think consideration should be given to eliminating that part of it.

As the Chief Secretary pointed out, the person who is severely injured and is totally disabled would receive, as the Act now stands, the whole amount allowed; but if this amendment is agreed to he could receive 50 per cent. or less of the total compensation that would be awarded. I do not think that is quite fair.

Hon. H. HEARN: I want to ask the Chief Secretary a question. Where, in the amendment, is there reference to a deduction from the lump-sum payments? Never at any time was that the intention.

The CHIEF SECRETARY: By the reference to Subsection (3) of Section 7 of the Act.

Hon. H. K. Watson: Where is that in the amendment?

The CHIEF SECRETARY: About halfway down proposed Subsection (2).

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

Ayes	....	....	....	....	15
Noes	....	....	....	....	10
Majority for					5

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. A. F. Griffith
Hon. Sir Chas. Latham	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. E. J. Boylen
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. G. Bennetts

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

Clause 3—Section 5 amended:

Hon. H. HEARN: I move an amendment—

That paragraph (a), page 3, be struck out and the following inserted in lieu:—

(a) Inserting a new definition after the word "intended" in line 3 of the section as follows:—

"basic wage" means in the case of a male worker the basic wage for the time being payable in respect of the metropolitan area of Perth to an adult male worker as determined or deemed to be determined by the Court of Arbitration under Part VII. of the Industrial Arbitration Act, 1912-1952, and in the case of

a female worker the basic wage for the time being payable in respect of such area to an adult female worker as determined or deemed to be determined by such Court as aforesaid.

The Act as it stands gives an allowance for and payments to dependants overseas so long as the injured worker has been resident in the State for less than five years. There is no reason to extend this, as no cases of hardship have been given. The members of the select committee addressed themselves to this aspect and questions were asked of all witnesses from the various insurance companies. My amendment seeks to delete the paragraph in its entirety and substitute for it a new definition of "basic wage." This is necessary in view of paragraph (5) of Clause 2 which we have just dealt with.

The CHIEF SECRETARY: In a spirit of co-operation I will accept the amendment.

Hon. C. W. D. BARKER: I am not clear on one point. The proposed definition of "basic wage" means, in the case of a male worker, the basic wage for the time being payable in respect of the metropolitan area of Perth. Does that mean that a worker injured in the North will be paid at the rate of the basic wage operating in Perth?

Hon. H. HEARN: Under workers' compensation one basic wage has always been fixed for the whole State, and no district or special allowances have been added for workers living on the Goldfields and in the North-West. The metropolitan basic wage has always been used as the basis.

Hon. C. W. D. BARKER: I cannot agree to that. A higher basic wage is fixed for the Goldfields and the North-West because it costs more to live in those districts. If a worker is injured in those parts and is to be compensated by the amount of the basic wage every week, surely the basic wage applicable to his district should be paid and not the wage fixed for the metropolitan area.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (b), page 3, be struck out and the following inserted in lieu—

- (b) deleting the words "any person whose remuneration does not exceed one thousand two hundred and fifty pounds a year or" in lines 1, 2 and 3; the words "whose earnings do not exceed one thousand two hundred and fifty pounds a year" in lines 79, 80 and 81 and the words "whose rate of

remuneration does not exceed one thousand two hundred and fifty pounds a year" in lines 82, 83, 84, and 85 of the interpretation "worker".

Paragraph (b) seeks to extend the scope of the Act to workers who are receiving £2,000 per annum instead of £1,250. My amendment will bring all employees within the scope of the Act irrespective of their income. No exception can be taken to my amendment, other than by the employers who will be compelled to pay the premium on the full wages of the higher paid employees although those employees can only receive the usual benefits. Later, when dealing with Clause 7, I intend to move an amendment to remove this objection. After taking evidence and cross-examining insurers, and the representatives of the workers and employers on this very point, the select committee felt that the workers would be given a benefit if the provisions of the Workers' Compensation Act were to be applied to all workers irrespective of their income.

The CHIEF SECRETARY: Again I agree to the amendment.

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

Clause 4—Section 6 amended:

Hon. H. HEARN: I hope the Committee will agree to delete this clause. It is consequential to Clause (3) (a) relating to dependants overseas, etc.

The CHIEF SECRETARY: I cannot agree with the hon. member on this point. The payment of benefits to dependants overseas has been recognised where a worker is fatally injured, but members opposite want to prevent those dependants from receiving weekly payments after five years.

Hon. H. HEARN: We have taken nothing away from the existing Act.

The CHIEF SECRETARY: The weekly dependants' allowances will be taken away.

Hon. H. HEARN: Can you prove to me where the weekly payments have been taken out? We have been quite happy with the operation of the Act. Over the years insurers have been paying under the Act not only death benefits to dependants overseas, but every other benefit.

The CHIEF SECRETARY: The hon. member is overlooking the fact that his amendment will deprive dependants overseas of any weekly payments after five years.

Hon. H. HEARN: That is so. Five years should be the maximum period, which is the time provided in the Act.

The CHIEF SECRETARY: This clause seeks to improve the provision by extending the payment of benefits beyond five years.

Hon. J. Murray: Do you know of any hardship entailed by the operation of this provision in the Act?

The CHIEF SECRETARY: I know of hardships which can arise. If it is justified up to five years, why is the payment not justified beyond five years? On several occasions in the past the Government has attempted to improve this provision.

Hon. L. A. LOGAN: It is the opinion of many people in this State that a worker from overseas who has been earning his living here for five years but has made no attempt to bring his family out, is of no use to the country. If the payment of benefits is extended beyond five years, such workers will not be encouraged to bring their families out. Up to date five years has been the limit, and surely it is in the interests of the State to retain this provision so as to encourage workers to bring their families into this country.

Hon. H. HEARN: Much time was spent over a similar clause on a past occasion. At that time payment of death benefits to dependants overseas was under consideration, but the result achieved was much better, in that weekly payments up to five years were also included in the provision. If the period were extended to beyond five years, we would not induce workers to bring their families out. The select committee called many witnesses, including the manager of the State Insurance Office, and examined them on this point, but none of them had heard of any complaints on this provision of the Act. With the rapid development of Western Australia, we should encourage workers entering the State to bring their families out as soon as possible.

The CHIEF SECRETARY: It may be desirable to encourage workers to bring their families out within five years, but that may not always be possible. I might remind members that this provision does not apply to every worker who comes here; it applies only to the workers from countries having reciprocal arrangements with Australia. This country is in great need of immigrants, and the clause should be agreed to.

Hon. H. Hearn: Five years is a long time.

The CHIEF SECRETARY: It may be to the hon. member, but to a worker coming from another country, who has to establish himself, who has to earn sufficient to provide a home, and who has to pay for the fares of his dependants to come out, it is not so long. The provision to pay death benefits beyond the five years has been agreed to; so why should that not apply to weekly payments?

Hon. F. R. H. LAVERY: I would remind members that it is not always possible for workers to bring their families out, one reason being that the dependants may not be medically fit to be admitted as

immigrants. I know a young German immigrant who was brought into this country to build the Austrian prefab houses at Willagee Park. He was able to bring his wife out, but his young son could not be admitted on account of having t.b. Should not a youth so situated be entitled to receive compensation if his father were killed in industry?

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

Ayes	.....	11
Noes	.....	15
Majority against	.....	4

Ayes.

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

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	(Teller.)

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. A. F. Griffith

Clause thus negatived.

Clause 5—Section 7 amended:

Hon. H. HEARN: I move an amendment—

That the proposed new subsection (1a) be struck out and the following inserted in lieu:—

(1a) Without limiting the generality of Subsection (1) of this section but subject to the provisions of this subsection a worker is deemed to have suffered personal injury by accident arising out of or in the course of his employment where he suffers an injury without his own default or wilful act while the worker during the ordinary working hours of the establishment of his employer in which he is employed is travelling between such establishment and any trade, technical or other training school which he is required to attend by the terms of his employment or as an apprentice or between such trade, technical or other school and such establishment or is in attendance at any such school provided that any injury incurred while so travelling is not incurred during or after any substantial interruption of or substantial deviation from his journey made for reasons unconnected with his attendance at the school or place as the case may be.

The proposed new subsection which I suggest be deleted seeks to provide cover for a worker travelling to and from his work. No evidence was tendered to the select committee that would justify it in recommending this provision. The injury would have been sustained when the worker was out of the control of the employer. Such an extension of coverage would immediately impose an additional burden on all employers, including the Government, and at the same time would relieve the Commonwealth of some of its social service liability. The position regarding apprentices needs to be clarified. At present there is doubt whether they would be covered while travelling to a technical school and while in attendance at the school. I have been advised that most companies pay such claims, but we considered that the issue should be put beyond doubt.

The CHIEF SECRETARY: We have been pegging away for some years to get cover for workers travelling to and from work. It is one respect in which we lag behind other States, three or four of which have had cover of this sort for some time.

Hon. H. Hearn: You know what it costs.

The CHIEF SECRETARY: We assume that the cost here will be 5 or 6 per cent. In view of the small percentage it is a cheap rate for such a good coverage. The latter portion of the amendment might be helpful, but we consider it to be redundant.

Hon. H. Hearn: Evidence was given to the select committee that some of the insurance companies had refused to pay.

The CHIEF SECRETARY: Has the point been decided by the court?

Hon. H. Hearn: I do not know.

The CHIEF SECRETARY: We are satisfied with the provision in the Act. If the hon. member insists on that portion of his amendment, well and good, but it will be merely overloading the Act for no good purpose. Section 7 (1) provides for a worker acting under the instructions of the employer.

Hon. H. Hearn: He would not be acting under the employer's instructions; he would be ordered by the technical school to attend.

The CHIEF SECRETARY: He must be acting under the instructions of the employer.

Hon. H. Hearn: The position is obscure and, on the provision in the Act, you could not win a case in the court.

The CHIEF SECRETARY: What I am more concerned about is the cover for employees journeying to and from work. Our workers should be brought into line with those in other parts of Australia. Why does the worker make the journey?

Hon. N. E. Baxter: To earn a living.

The CHIEF SECRETARY: And to help the employer to make a living. The man would not make the journey but for the fact that he was travelling there to work.

Hon. Sir Charles Latham: He would not be going there unless he wanted to earn a living.

The CHIEF SECRETARY: Quite so, and he would be earning for the employer.

Hon. Sir Charles Latham: For which he is paid.

The CHIEF SECRETARY: But not for the time occupied in travelling to and from his work.

Hon. H. Hearn: You are not suggesting that he should be paid for that?

The CHIEF SECRETARY: No.

Hon. H. Hearn: Not yet?

The CHIEF SECRETARY: But he should be covered for injuries sustained on the way. Why should workers here lag behind those in other States? Should not a man who is assisting to produce wealth have some cover?

Hon. L. A. Logan: He has.

The CHIEF SECRETARY: Some members will ask why a worker does not take out cover for himself. But why should not the employer help?

Hon. L. A. Logan: He has done so.

The CHIEF SECRETARY: Only to the extent of insuring the man while he is at work. This question has been argued for years, but I hoped that on this occasion members would agree to place our workers on the same footing as those in other States.

Hon. R. F. HUTCHISON: It is time we realised that compensation is a right of the worker, and that we owe it to the women and children of the community to cover the worker to and from his employment. Again I quote the case of a man who was killed about 300 yards from his place of employment with the S.E.C. at Belmont. His widow was left with six children and no money, and while her husband lay in the morgue she had to go to the union for assistance. But there was no benefit scheme operating, so she then went to the R.S.L., again being unsuccessful. She tried to get help from a third source and ended up going back to her late husband's mates at the S.E.C. When she told them her plight they guaranteed the funeral expenses straightaway and immediately took up a subscription. It is time that we put an end to that sort of thing. That man was killed by a car on his way to work.

Hon. N. E. Baxter: Then she should have been able to claim damages, unless he was in the wrong.

Hon. R. F. HUTCHISON: That woman has nothing behind her and is one of the ill-treated minority in this State. It is the

duty of the community to provide for the widow and children if the breadwinner is taken away, and the best means of making the necessary provision is under legislation such as this. I believe that Commonwealth employees in the P.M.G. Department already have this cover, and I think we should extend it to all the workers in Western Australia. If members will not agree to this provision, I intend not to remain silent on the question. It is obvious that the provision of this cover would not impose any hardship on industry, and I would remind members that the worker produces the wealth of the country without which the businessman could not continue to live. I know of a young man who left a wife and four children whose position is now desperate. I go week after week to the Child Welfare Department in an endeavour to get further help for this family, and I do not understand why men apparently cannot see how necessary this provision is.

Hon. J. G. HISLOP: I wish to applaud Mrs. Hutchison on her generous outlook towards civilian widows, although I think her logic is mixed in regard to the source from which provision should be made for them. I agree that there should be some form of national insurance to cover such cases, but this is not the type of measure under which the necessary support should be provided. Long before Mrs. Hutchison came to this Chamber I protested here against the attitude of the Commonwealth Government in taxing the incomes of widows for instance. I see no difference between the widow left with children after her husband's death by illness and the widow, with children, whose husband dies by accident.

Hon. R. F. Hutchison: The position is entirely different.

Hon. J. G. HISLOP: There is no basic difference. If Mrs. Hutchison could get her Government next year to bring down a Bill for a separate insurance scheme to cover such cases I would support that measure, but under this legislation the provision would be open to abuse. Under a national insurance scheme to which we all contributed, widows would not be left in the pitiable condition to which reference has been made. I understand that many apprentices go to school not within working hours, but at night—

Hon. H. Hearn: We are certainly not prepared to cover them at night, and that was not the intention of the clause.

Hon. J. G. HISLOP: Do they go to the Technical College only in the day-time?

Hon. H. Hearn: It is compulsory for the employer to send his apprentices to the Technical College half a day per week. Those who go at night do so voluntarily.

Hon. J. G. HISLOP: Then the employer sends the apprentice to the Technical College during the hours of employment.

Hon. H. Hearn: Yes, half a day per week.

Hon. J. G. HISLOP: Then at night he would come under the scheme I have suggested with regard to insuring himself.

Hon. L. A. LOGAN: We have been told that this provision has operated in other States for years; but because other States included it in their Acts owing to political expediency, that is no reason why we should do so. Mrs. Hutchison mentioned an employee killed 300 yards from his place of employment; but the position of the widow would have been the same had he been killed going to the pictures. Apparently the employer will eventually be asked to cover the employee 24 hours per day. When the Victorian legislation first operated this provision cost 1.6 per cent., but last year that had grown 6.9 per cent. and it is still rising. Surely social services, health services and personal accident insurance should come into the picture! There is no need for the employee to be covered by workers' compensation outside the hours of employment. It must be remembered that the worker is lucky to have someone to find employment for him.

The Chief Secretary: Without the worker there would be no boss.

Hon. L. A. LOGAN: The employer must have capital and initiative in order to provide employment for the worker. Many small employers who do most of the work themselves are not covered by workers' compensation.

The Chief Secretary: They are working for themselves.

Hon. L. A. LOGAN: So is the ordinary worker. He works to earn sufficient to keep himself and his family, and so he works for himself just as the small employer does.

Hon. E. M. HEENAN: I am disappointed that after having considered this aspect of workers' compensation for so many years we are presumably not going to make any advance in the year 1954. When a similar provision was debated in this Chamber three or four years ago the argument used against it was that it would impose an additional burden on industry—a burden which industry could not afford. I think that was the argument used against the proposition. I consider that the reasons given by the select committee are most inadequate. It would appear that some of the evidence it took supported the clause; but, on the other hand, some of the evidence was opposed to it. The members of the select committee concluded their report by saying that in the opinion of the committee this clause should not be agreed to, except in relation to apprentices.

I think that there is a great deal of merit in the argument that industry should assume liability for workers from the time they leave home to go to work and

from the time they leave their work to go home. That is part of the partnership entered into between workers and employers. That point of view has been accepted in the Eastern States and industry has continued to flourish there. I cannot believe that anyone meets with an accident of his own volition.

Hon. H. Hearn: If it is not his fault, he has his remedy. It must be his fault.

Hon. E. M. HEENAN: The widow mentioned by Mrs. Hutchison might have a claim against the driver who knocked her husband down. There are many accidents that can happen to a worker travelling to and from work which could put him out of employment. This means that his home and family suffer. His wages are not coming in and somebody must go short. Sooner or later industry must assume that responsibility, and I was hoping that that would be one recommendation that would emerge from the select committee on this occasion.

It is a pity that we should have to use the same arguments year after year and get nowhere. These days we have to keep our industries abreast of modern requirements because, if we do not, it breeds dissatisfaction. It gives people like communists the opportunity to criticise our set-up; and, in a way, we are playing into their hands. I am disappointed that the select committee has not given more ample reasons that might have guided this Committee, because this is one of the most contentious clauses in the Bill. Unfortunately, the reasons given by the select committee are most inadequate.

Hon. A. R. JONES: I refute the argument put forward by members of the Labour Party. Mrs. Hutchison says it is a matter of principle. I, too, think it is a matter of principle—for a worker to look after himself when he is not at work. Would Mrs. Hutchison say that it is the responsibility of a husband to provide for his wife and children? If she does, I should say that she should accept that there is a principle involved in the worker having to look after his dependants. He would have to be a very unprincipled man if he did not take out an insurance policy to cover himself against death at any time, whether travelling to or from work or in his leisure hours. It is incumbent upon all of us to take out an insurance cover and so protect our dependants from any suffering, as happens in such a case as that mentioned by Mrs. Hutchison.

As for the suggestion put forward that we should take notice of what applies in the Eastern States, I do not think it holds water, because only recently we deliberated on legislation regarding which it was submitted that we should not take any notice of what happens in other States. I support the amendment.

Hon. R. F. HUTCHISON: Members opposite show lack of understanding of the ordinary worker's home. It costs a great deal for a worker to insure himself, especially on the wages he receives today, because it is a struggle even to live. I do not know whether members think that money grows on trees, but a worker certainly has a struggle to make ends meet. Those workers have just as much principle as a man who insures himself. This is a provision that should have been inserted in the Act long ago for the sake of humanity.

I do not think the arguments put forward by members opposite hold any water. All our social legislation is designed to relieve most of the burdens on the people. By keeping workers on the bread-line, no country can maintain the standards that it should. One of our first principles is to take care of workers as much as we can. In the minority report, I notice it is mentioned that some of the companies pay the premiums to insure their executive officers. Therefore, why cannot industry provide insurance cover for an ordinary worker?

The CHIEF SECRETARY: By the tone of the debate, it appears we are still going to be one of the backward States. I was hoping to obtain a little support from Country Party members on this point. It was a different story the other day when we were dealing with the Bush Fires Bill. They agreed with the "to-and-from" provision in that legislation.

Hon. Sir Charles Latham: But those people are not paid for their services.

The CHIEF SECRETARY: It is all very well for the Country Party members to talk about how easy it is for a worker to insure himself. Of course it is not when he is rearing a family! These workers do not obtain Government assistance to support themselves and their families. They have to live on their wages.

Hon. Sir Charles Latham: They are paid in return for their services and they get interest as well.

The CHIEF SECRETARY: What did the farmers have to start off with? Ninety per cent. of them began with Government assistance.

The CHAIRMAN: I hope the Chief Secretary will connect his remarks with the amendment.

The CHIEF SECRETARY: Yes. I am connecting my remarks with the attitude adopted by Country Party members to this Bill. The workers we are trying to protect do not obtain Government assistance.

Hon. A. R. Jones: What Government assistance are you talking about?

The CHIEF SECRETARY: Oh!

Hon. A. R. Jones: You would not know.

The CHIEF SECRETARY: I suppose the hon. member got Government assistance when he started out.

Hon. Sir Charles Latham: Not to and from.

The CHIEF SECRETARY: He was in agreement with the "to-and-from" clause in the Bush Fires Bill.

Hon. Sir Charles Latham: The people referred to in that Bill are not paid.

The CHIEF SECRETARY: The principle is the same.

Hon. H. Hearn: No, it is different.

The CHIEF SECRETARY: Of course it is different when the hon. member wants it to be different! The principle is the same in this measure. A worker is travelling to and from his work for the benefit of his employer. Members opposite want a worker to assume the whole responsibility whilst travelling to and from work. It is only logical that the employer should accept some responsibility.

Hon. Sir Charles Latham: No.

The CHIEF SECRETARY: The hon. member has been saying "No" for years. Because he says "No" and sufficient others say "No", we will be lagging behind other States of Australia. I was hoping to have a new approach made to this provision this year and a little watering-down of this "No" business. Anyone can say "No". I do not think members opposite have the courage to say "Yes", but they cannot deny the responsibility of the employer in regard to this "to-and-from" clause. It might cost industry a little more; but if that is the argument, why not wipe out workers' compensation altogether?

Hon. L. C. Diver: What about national insurance?

The CHIEF SECRETARY: That is an entirely different thing. We have even had members making the foolish suggestion that workers should be covered whilst going to the pictures. All this provision seeks is that a worker should be covered whilst travelling to and from work.

Hon. J. McI. Thomson: Irrespective of the time that he takes in getting from his place of employment to his home.

The CHIEF SECRETARY: We will safeguard all those things.

Hon. L. C. Diver: What about a man who is engaged on two jobs in the one day?

The CHIEF SECRETARY: He would be covered. Members opposite were quite in accord with this provision when it was inserted in the Bill that they were concerned with. At least they should show us a little respect in regard to this measure.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: We have often been asked whether industry can afford to give the compensation. I will now ask whether industry cannot afford to do so. We are on the verge of industrial expansion, and it is possible that we will have to encourage artisans and workers from other parts of Australia. The question is: Will they leave their States, in which good conditions of employment exist, and come to Western Australia where those conditions do not operate?

Hon. H. K. Watson: They will probably want compensation to and from Melbourne to Fremantle!

The CHIEF SECRETARY: It might very well be that they would be entitled to it. Can we afford to have conditions in this State different from those operating in other States? Industry should give way on this provision. We have been battling to get something along these lines. Even in New South Wales, where the risk is much greater, the cost to industry has been about 6 per cent. since this provision was established.

Hon. H. K. WATSON: No argument has been advanced that should make us change the decision we have made on previous occasions. The Chief Secretary said that a person on his way to fight a bush fire was in the same position as a person under this clause. That is not so. In the case of the bush fire the employee often fights the fire in working hours.

The Chief Secretary: Very often he does not.

Hon. H. K. WATSON: Under the Act at present an employee who meets with an accident while travelling in working hours is covered, and I think we should subscribe to that principle. But that is the limit of the cover.

The Chief Secretary: That is not the limit with the bush fires.

Hon. H. K. WATSON: It is. Anyway, those fighting bush fires are voluntary workers. The Chief Secretary said it is not a case of whether industry can afford to pay this impost, but whether it can afford not to do so. The position has become serious in Victoria as a result of the Privy Council decision. The Privy Council held that the "to-and-from" provision in the Victorian Act applies even if a man drops dead from heart failure on his way to work. I understand that decision will involve industry in Victoria in an expenditure of £300,000. Whether a man should be covered to and from work or anywhere else at any time except in working hours, is a matter for his own attention; it should be done at his own cost.

If an analogy must be drawn, it exists with respect to the cover granted to school-children going to and from school. Parents insure their children for a comparatively

small premium. I have no doubt that similar premiums are obtainable in this instance and that ordinary accident policies can be taken out. Any prudent individual should follow that course because of his responsibility to his wife and family. It is logical that he should insure himself.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. H. Hearn
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. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. E. M. Heenan	(Teller.)

Pair.

Aye.	No.
Hon. N. E. Baxter	Hon. G. Bennetts

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That the words "two thousand eight hundred" in lines 31 and 32, page 5, be struck out and the words "two thousand four hundred" inserted in lieu.

This is the first of many suggested increased benefits. It proposes to increase the maximum liability of the employer from £2,100 to £2,800. My amendment proposes to alter this to £2,400. The reason given for the suggested increase to £2,800 is that it is allowed in some other States. This limit was increased to £2,100 in 1953, and there have been no circumstances since then to justify such a large increase. Once again I suggest we would be saving the Commonwealth from some of its social service liabilities.

The CHIEF SECRETARY: I thank the hon. member for putting up my case for me. As he said, one of the reasons why the figure should be £2,800 is that that is what is in existence already elsewhere.

Hon. H. Hearn: I said that that was the evidence the select committee was given.

The CHIEF SECRETARY: The hon. member anticipated that that was the line on which I would endeavour to persuade the Committee to agree to that sum. I want the Committee to realise that we do not wish to take second place to anyone in the treatment given to workers. For many years we were in the happy

position in which other portions of Australia pointed to us as the guiding light in connection with workers' compensation. Unfortunately, in recent years, we have fallen behind and other States have forged ahead. We cannot afford not to give the same treatment to our workers as is given to workers in other parts of Australia. All the hon. member said in support of his amendment was that it was a big jump from £2,100 to £2,800. It is a 33½ per cent. increase, but that increase is necessary. The figure we provided last year was many hundreds of pounds behind that awarded in many of the States. That is why the jump is so big now. It is necessary in order to bring our Act into line with the Acts in the Eastern States.

Hon. H. Hearn: With the highest of the States.

The CHIEF SECRETARY: I would say at least half of the other States.

Hon. H. Hearn: With the highest.

The CHIEF SECRETARY: As a matter of fact, it is not in line with the highest. That statement is not correct.

Hon. H. Hearn: You are thinking of New South Wales.

The CHIEF SECRETARY: That is the highest. The figure in New South Wales is unlimited.

Hon. H. Hearn: Yes.

The CHIEF SECRETARY: So we are not level with the highest of the States but with the second highest. We are dealing, in 1954, with a Bill which does not contain an amount as high as that provided in many other States in 1953. Already we are lagging twelve months behind. Does not the hon. member think that when we make an alteration it should be one that gives workers here as fair a deal as those in other parts of Australia? The hon. member offered no suggestion why the figure in the Bill should not be agreed to. The reason is obvious: He had not any ground for reducing it to £2,400. But we have reason for asking that the amount be £2,800.

It has been asked by some members why this legislation should be brought forward every year. Is it not obvious that the reason is that we are lagging behind the other States all the time? If we were on a similar plane to them, there would be no need to seek to amend the Act each year. I was surprised that the hon. member merely made the bald statement that the amount should be £2,400, without giving any reason why the Government's figure should be cut down. I do not suppose he had any reason.

Hon. L. A. LOGAN: Apparently if other States commit a folly we are supposed to follow suit. I do not agree with that.

The Chief Secretary: Who said it was a folly?

Hon. L. A. LOGAN: It could quite easily be.

The Chief Secretary: You said it was. Where is your evidence?

Hon. L. A. LOGAN: Last year the Act was amended and the compensation was increased 20 per cent. all round, with an increase in the basic wage of 17.6 per cent. In the last 12 months there has been no increase in the basic wage. But allowing for the fact that it could have risen by 8 per cent. had quarterly adjustments been made, we would think the increase in this compensation should be 8 per cent. Under this provision we have allowed 14½ per cent.

Hon. R. J. Boylen: The cost of living went up. It was dishonesty that the wage did not go up.

Hon. L. A. LOGAN: It would have increased by 8 per cent. had the adjustments been made. Now we are providing for an increase of 14½ per cent. in this amount. Do members not think that is fair enough? While some industries can pay, there are many that cannot. No person who has been earning a living by exporting can pass on any increase. The exporter is in a pretty stiff position. The advice given by Senator McLeay to the meeting of Agriculture Ministers yesterday was proof that things are not going quite as they might from the primary producers' point of view.

It is no use increasing costs in this way without taking any notice of the economic effect on the country. What is the good of increasing workers' compensation if the workers would have to pay more for their commodities? That is what it could easily mean. If an exporter cannot put the increased cost on to his export price, he must put it on to the home consumption price, and that affects the workers. Do not think that we have no consideration for the workers; but we have to realise where all this money comes from, and who has to pay in the end. Ultimately it is the workers who pay; there is no argument about that.

The Chief Secretary: If the workers pay, what are you worried about?

Hon. L. A. LOGAN: I would rather see the whole business kept down to a reasonable level in the first place. This country lives on what we export and there is not one commodity that is exported in respect of which the price can be increased. As a matter of fact, we have to take less for our dried fruits and eggs and quite a number of other commodities. It is no good saying we will increase this compensation figure by 33½ per cent. without taking any notice of the economic position of the country. Some industries can pay, but they do not represent the lot. We offer an increase of 14½ per cent., whereas the increase in the basic wage on account of quarterly adjustments would have been 8

per cent. Taking the Bill as a whole, there is a general increase of 19½ per cent. So it cannot be said that we are not going some way towards assisting the Government.

Hon. H. HEARN: The Chief Secretary seemed to think I was barren of any argument, but I am trying to reserve myself for the fight ahead. However, I want to remind the Chief Secretary that in the years before the war, when a Labour Government ruled for such a long period in this State, the death benefit under workers' compensation was £700. If the Chief Secretary will consider the inflationary spiral and tell this Committee that £2,400 is not a more generous amount than the £700 allowed in those days I shall be glad to hear from him. I believe that the select committee, having taken evidence from all sections of the community, has submitted a report that will result in a very generous Bill. I feel that the Chief Secretary himself did not believe that I was devoid of any argument when I mentioned £2,400.

Hon. R. F. HUTCHINSON: I was very interested to hear Mr. Hearn make the statement that a Labour Government had ruled for a long period. A Labour Government has never ruled in Western Australia. Labour Governments have been in power in another place, but there has never been Labour government in this State, or this Act would not be as it is now. The State has been ruled by the Legislative Council, which is elected by one-third of the people on a minority franchise; that is our quarrel. The State is ruled by a minority of the people in Western Australia, and the workers have had to put up with the crumbs they have been allowed in workers' compensation measures.

Members: Sit down!

Hon. R. F. HUTCHISON: I have as much right to stand here and say what I wish to say as anyone else in this Chamber.

The CHAIRMAN: Order! The hon. member must confine herself as nearly as possible to the amendment.

Hon. R. F. HUTCHISON: I am doing that. The hon. member spoke of the figure of £2,400, and said it was much more generous than the £700 allowed when the Labour Government ruled for a long period.

Hon. H. Hearn: And never attempted to alter it.

Hon. R. F. HUTCHISON: The Government then had as much power to alter it as the present Government has. In this Chamber the representatives of the Government are only three short of a majority, yet we cannot alter the figure as we desire to. The workers have suffered as the result of the activities of a narrow, oppressive majority in the Legislative Council. The figure of £2,800 is very reasonable. It is not the price of a very

modest home for a widow and her family. It is not our fault that the basic wage was not increased. It was pegged by the opposition of the Legislative Council.

Hon. L. A. Logan: It was not.

Hon. R. F. HUTCHISON: It is impertinence to say that the figure of £2,400 is more generous than the amount provided under a previous Labour Government. Labour Governments have never had any say, and while I am here I shall continue to mention that. Members know that what they insert in the Bill is what has to be accepted. But I will not accept it quietly, and I am sure that no Labour member has done so. That is why the fight has gone on year after year. Opposition members know they have the majority, and all we can do is fight and take a little as we get it. I am looking forward to the time when, in the not-too-distant future, we will not have to do that. One member spoke about the cost of living, and said this money would be paid by the workers. Today the workers bury their dead mates when they cannot get anything through this legislation. They take up collections in the workshops and elsewhere. It is a disgrace for that to occur in a civilised country. We have had a Labour Party in Western Australia but not Labour government. I hope that we will have.

Hon. H. K. WATSON: It appears to me that the hon. member, instead of railing at all the members of this Chamber, should have addressed her remarks to the Chief Secretary for his deplorable lack of tactics.

Hon. R. F. Hutchison: He has had a bitter fight over the years.

Hon. H. K. WATSON: Could someone flytox the hon. member behind me? As I was saying, Mrs. Hutchison should have directed her remarks to the Chief Secretary for his lack of tactics in handling the Bill. He should have declared it a non-party measure.

The CHIEF SECRETARY: I never ride under false colours. This is definitely a party Bill. It always has been and always will be; and when we introduce a party Bill we come forward with what we consider is a fair thing both to the employer and the worker. We are not so stupid as to think we can take away from industry and give to the worker so much money that it will choke up the works.

Hon. H. Hearn: How do you know when you reach saturation point?

The CHIEF SECRETARY: At the same time we want to know that we are not choking the worker by providing an amount that is too small; and that is what is happening here. The hon. member mentioned £700 and compared it with the amount today. Mrs. Hutchison told us the difference between the two. When the Act provided for an amount of £700, a house could be purchased for £300 or £400.

Hon. J. Murray: You do not buy a house out of workers' compensation, surely?

The CHIEF SECRETARY: This illustration is given merely to show the difference in the value of money. Most workers' homes in those days cost well under £500.

Hon. H. Hearn: Yours cost more than that.

The CHIEF SECRETARY: The house to which the hon. member is referring, I bought for £450. That was at the time when the Workers' Compensation Act provided for £700. But I could not buy even the poorest timber-framed house for the amount the hon. member is prepared to put in the Bill. We are not asking to go ahead of other places. We want members to be fair and put our workers on the same basis as that on which workers in other parts of Australia are placed. At one time we could look with pride on our Workers' Compensation Act, and in those days we had only small representation—six members—in this Chamber. Evidently the Opposition at that time was more generous than the present one. If we include the figure proposed by the hon. member, it will be £400 behind those of Queensland and Victoria, and miles behind those of the other States. We are asking that the men in industry here be placed on a par with those in the major States.

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

Ayes	....	....	....	....	15
Noes	....	....	....	....	11
Majority for					4

Ayes.

Hon. L. Craig	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. L. A. Logan
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	(Teller.)

Noes.

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

Pair.

Aye.	No.
Hon. N. E. Baxter	Hon. G. Bennetts

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

Clause 6—Section 8 amended:

Hon. H. HEARN: I move an amendment—

That the words "two thousand eight hundred" in line 37, page 5, be struck out and the words "two thousand four hundred" inserted in lieu.

This amendment is consequential on the amendment to paragraph (b) of the previous clause.

The CHIEF SECRETARY: The Committee has agreed on the figure of £2,400, so, in order that the Bill may be consistent right through, I will not contest the amendments in which this amount appears.

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

Clause 7—Section 11 amended:

Hon. H. HEARN: I move and amend—

That the words "two thousand eight hundred" in line 9, page 6, be struck out and the words "two thousand four hundred" inserted in lieu.

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

Clause 8—Paragraph (a) of Clause 1 of the First Schedule amended:

Hon. H. HEARN: I move an amendment—

That the words "two thousand five hundred" in lines 14 and 15, page 6, be struck out and the words "two thousand one hundred" inserted in lieu.

This clause deals with payments to the dependants of workers who die as a result of an injury at work. The Bill proposes to increase the payment from £1,800 to £2,500 and my amendment will have the effect of altering the £2,500 to £2,100. This increase is approximately the same, on a percentage basis, as that proposed in paragraph (b) of Clause 5.

The CHIEF SECRETARY: I suppose that if I contested this point and were successful, the Bill would look a bit lopsided. However, it might be as well to contest it because, when we have a conference, as I assume we will, there will be that much less to be altered. While the percentage increase may be the same, the margin between the two, if the amendment is agreed to, will be £400 as against the present figure of £300. That loss of £100 to dependants will be serious.

Hon. H. HEARN: We are sticking to the same percentage.

The CHIEF SECRETARY: Approximately the same.

Hon. H. HEARN: You implied that we were not.

The CHIEF SECRETARY: I am not a mathematician, and I did not work it out.

Hon. H. HEARN: As you have told us, figures prove anything.

The CHIEF SECRETARY: We are asking that the dependants of a person killed in industry be given £2,500. How far would that go today? I think the figure

is a reasonable one for the loss of a breadwinner. In most cases, workers are struggling to buy their own homes, and if the family is deprived of the breadwinner, the task of the widow becomes even greater. Industry robs her of her breadwinner.

Hon. H. HEARN: It is not altogether industry robbing her. Sometimes it is the fault of the operator, and we still pay. You are getting the wrong slant on workers' compensation.

The CHIEF SECRETARY: If I am, the hon. member will soon bring me back.

Hon. H. HEARN: We have to pay, whether it is the worker's fault or not.

The CHIEF SECRETARY: If it will suit the hon. member, let me put it this way: Whether a person is killed through his own fault or through the fault of industry, the widow has a difficult job, and we think a sum of £2,500 is reasonable. I ask the Committee, notwithstanding the vote recently taken, to stick to the amount in the Bill.

Hon. R. F. HUTCHISON: Does this mean that if a worker is killed his widow gets £2,400, but if he dies as a result of an injury his widow gets £2,100?

The CHIEF SECRETARY: If the amendment is agreed to, the widow will get £2,100.

Hon. J. G. HISLOP: I must stick to my guns. I do not think the amount paid to a widow is sufficient. I would like to alter the whole schedule of payments so that the widow of a person killed, or the dependants of a person permanently incapacitated, would receive handsome compensation. I cannot imagine a widow existing on a payment of £2,100 for the loss of the breadwinner. I shall vote for the highest possible amount in such cases. When a person is killed, the widow is without the help of her husband; she is deprived of his company and has to shoulder responsibilities which are strange to her. I think we should be as generous as possible in those cases; and, as I said on the second reading, we should readjust the figures, and a widow should be given something approaching £4,000.

Hon. H. HEARN: I have listened with a good deal of interest to, and I have some sympathy for, the views expressed by Dr. Hislop. But industry cannot support a widow for the rest of her life.

The Chief Secretary: You are not asked to do that.

Hon. H. HEARN: Sooner or later it must come to a question of Commonwealth social service. The widow of a person killed in industry is no worse off than one who loses her husband as a result of natural causes. Members of the select committee found it difficult, in the short time at their disposal, to do anything along the lines suggested by Dr.

Hislop 12 months ago. If he reads the select committee's report, he will see that we have made a suggestion to the Government that we are not satisfied. However, we have given relief, and we can give it only on the same basis as that which exists today—this is because of the time factor. I promised members that I would not hold up the Bill and that the select committee would report as soon as possible. The figure in the amendment is a just and fair one, and until we can hold an inquiry into all aspects of workers' compensation, it will be difficult and dangerous to depart from the principles laid down in the Act.

Hon. E. M. HEENAN: The idea behind workers' compensation is to compensate an individual for injury that he sustains in the course of his employment. In cases where workers lose their lives as a result of their employment, the motive is to compensate the widows and their dependants for the loss of the breadwinners. Of course, it is hard to measure that loss in terms of pounds, shillings and pence. As the greatest loss a person can sustain is his life, surely his dependants are entitled to a generous payment when industry takes away that life!

Hon. H. Hearn: But industry does not always take it away. We accept the responsibility, even when carelessness comes into it.

Hon. E. M. HEENAN: The Act lays down certain standards, and some cases are contested in the courts.

Hon. H. Hearn: But you as a lawyer would know the difficulty of proving carelessness.

Hon. E. M. HEENAN: On occasions, when a person is killed at work and the case is contested in court, the dependants get nothing.

Hon. H. Hearn: It is all part of the problem.

Hon. E. M. HEENAN: Mr. Hearn is trying to tell us that when a person is killed at work, compensation is automatically paid.

Hon. H. Hearn: I should say that 99 per cent. of it would be.

Hon. E. M. HEENAN: As most members would know, that statement is not correct. Let us take the case of a man who, through no fault of his own, is killed at work. There must be some limit to what industry can pay, but I think a figure of £2,500 is not too high. It would not go far and would not keep a family for many years, even if it were invested. I think this is one case where the Committee could, if it erred, err on the generous side.

Hon. H. HEARN: We have agreed to the Government's request that the widow of a worker who dies after exhausting the maximum amount due for insurance, shall be paid £800.

Hon. E. M. HEENAN: That is very rare.

Hon. H. HEARN: Such cases are no rarer than those quoted by the hon. member about employers trying to get out of paying compensation. Ninety-nine per cent. of the cases of workers' compensation are paid for by employers irrespective of whether the injuries arose through the negligence of the employee or of the employer. On the one hand we have agreed to pay a widow £800 after the maximum amount of compensation has been exhausted; and on the other, we have agreed to pay her £2,000 when her husband is killed. Yet Mr. Heenan says we are mean.

Hon. L. C. DIVER: I oppose the amendment. Whether it is through the negligence of the employer or the employee makes no difference to the payment of compensation. On one occasion one of my employees was injured through his own negligence, but the insurance company was not interested with that aspect; because the injury was caused, the company paid the benefits. I support the payment of the greater amount to a widow because we should do everything to give such an unfortunate person the maximum assistance. This is the least that industry and society can do. Furthermore such cases are comparatively rare, and the cost entailed will not impose such a heavy burden on the employers.

The CHIEF SECRETARY: The argument put up by Mr. Hearn was neither charitable nor true. Firstly he asked whether we expected industry to maintain a widow for the rest of her days. We do not. Secondly he mentioned that a widow was qualified for social service benefits. Surely industry should try to keep the widow away from social service as long as possible, because the payment is something like 25s. a week for a single person. It might be a little more, but not much more. Even the proposed amount of £2,500 payable to a widow would not keep her for a very long period before she would have to rely on social service.

Hon. R. F. HUTCHISON: Mr. Hearn referred to the fact that the employers would have to pay the increased benefit to a widow; but I would point out that employers pay one premium to insurance companies to cover all types of workers' compensation. Therefore the insurance companies would be paying for such extra benefit.

Hon. H. Hearn: The premiums are increased from time to time.

Hon. R. F. HUTCHISON: One premium is paid for all workers' compensation. On the figures I gave during the second reading, one cannot say that the insurance companies could not afford to pay the increased benefit.

Hon. F. R. H. LAVERY: This factor should be taken into consideration. The economic loss to a widow under 30 years of age, with three or four children, would be much greater than the economic loss to a widow of 55 years with grown-up children. When the widow of a worker killed in industry has nearly reached the time when she could qualify for the old-age pension, the economic loss of her husband would not be as great, as in the case of the widow aged 25, who would have to live another 35 years before she would become entitled to the old-age pension. I contend that the greatest possible benefit should be paid to widows of workers killed in industry, particularly to those who are young.

Hon. L. A. LOGAN: The amount suggested in the amendment was arrived at to keep a balance all the way through the schedule. The increase from £2,100 to £2,400 is approximately 14 per cent., but the percentage under this amendment works out at 17 per cent. Furthermore, it is proposed to increase the allowance for a child under 16 by 25 per cent.; and in the case of a widow, it is proposed to raise it by 33 per cent. Not one witness who appeared before the select committee referred to this clause, and the select committee therefore arrived at a figure to strike a balance.

Hon. H. Hearn: The balance has been in the Act for years.

Hon. L. A. LOGAN: That is so. If we are to have a committee of inquiry, this balance should be maintained until the committee has completed its task. When a recommendation for a committee to go into workers' compensation was suggested, I thought it would be wrong to alter the payments under the Second Schedule. In reply to the point raised by Mrs. Hutchison, any increase in compensation payable is reflected in the premiums. Insurance companies do not pay the additional benefits, but industry does by way of increased premiums. If compensation is increased, then no doubt the Premium Rates Committee will increase the premiums.

Hon. C. W. D. Barker: How many such cases were paid benefits by insurance companies last year?

Hon. L. A. LOGAN: Those facts were not stated. Not one person who gave evidence referred to this provision. To a large extent increases have been granted in workers' compensation benefits, and it cannot be said that the recommendations of the select committee are not generous.

Hon. H. HEARN: I ask the Committee to maintain the balance. Because it was the view of the select committee that the time had arrived when a complete and exhaustive investigation should take place

in regard to workers' compensation not only by the medical fraternity, but also by unions and leaders of industry, I was prepared to withdraw my ideas of alteration to the First Schedule pending the result of that investigation. Ever since there has been a Workers' Compensation Act there has been a difference between the maximum amount payable under the Act, and that payable to widows. The maximum amount under the Act is £2,100, and the amount payable to a widow is £1,800. Right through, the select committee has attempted to maintain a similar balance.

Hon. C. W. D. BARKER: Several members indicated that the benefits payable to a widow should be increased, and Mr. Hearn has agreed to that and suggested ways in which such a result could be achieved. He suggested paying less for certain type of injuries and more for others. Every speaker agreed that industry should bear full responsibility when the breadwinner of a family is killed. It was suggested that these cases are rare. We should be generous and bear in mind that this is a payment for a widow who has lost her husband through accident in industry.

The CHIEF SECRETARY: To claim that we should preserve a balance strikes me as being a very poor argument. Is there any justification for preserving a balance?

Hon. H. Hearn: You ought to know.

The CHIEF SECRETARY: I have never been able to find out why less should be paid to a widow than was provided for under the Second Schedule. Yet, because it has always been that way, members say we should retain it. Do members consider that £2,500 is too much to pay a widow?

Hon. H. K. WATSON: The Chief Secretary himself gave the reason why the amendment should be supported, because he recognised that there should be a balance. He was going to allow the amendment to pass.

The Chief Secretary: I did not say there should be a balance.

Hon. H. K. WATSON: The Bill, as introduced by the Chief Secretary provided an amount of £2,500 in one case and £2,800 in the other. Evidently it did not occur to him to make the amounts the same in both cases. He really suggested that it was necessary to preserve a balance.

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

Ayes	...	...	...	...	11
Noes	...	...	...	...	15
Majority against					4

Ayes.

Hon. L. Craig	Hon. J. Murray
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. A. F. Griffith
Hon. L. A. Logan	

(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. Sir Frank Gibson	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. J. J. Garrigan
Hon. J. G. Hislop	

(Teller.)

Pairs.

Aye.

No.

Hon. N. E. Baxter	Hon. G. Bennetts
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Amendment thus negatived.

Clause put and passed.

Clause 9—Paragraph (c) of Clause 1 of the First Schedule amended:

Hon. H. HEARN: Paragraph (a) of this clause seeks to increase the percentage of a worker's earnings as the basis for calculating weekly compensation from 66½ to 75. My amendment would remove all reference to percentage and provide a weekly payment of £8 16s. for adult males and £5 16s. for adult females. It is felt that the needs of a worker on compensation are the same, irrespective of the earning capacity, and it would be unfair if highly-paid single employees could receive the same as married men. That is what would happen if the percentage calculation were retained.

Paragraph (c) proposes to increase the allowance for a dependent wife from £1 16s. to £2 10s. In the opinion of the select committee, such a large increase is not justified. My amendment proposes to make the amount £2. Paragraph (d) proposes to increase the maximum amount payable to an injured worker who has no dependants from £8 to £9 a week. In dealing with paragraph (a), I have already indicated a figure of £8 16s. for an adult male worker and £5 16s. for an adult female worker. My amendment would set a maximum of £12 8s. weekly for a male worker with dependants and £8 for a female worker, while for workers on less than the basic wage, it would ensure a minimum of £4 a week or the actual weekly wage if less than £4. I move an amendment—

That paragraph (a) in lines 24 to 27, page 6, be struck out and the following inserted in lieu:—

(a) deleting subparagraphs (i) and (ii) and the words "whichever is the larger sum" in line 23 of the paragraph and substituting—

(i) in the case of an adult male worker of the sum of eight pounds sixteen shillings; and

(ii) in the case of an adult female worker of the sum of five pounds sixteen shillings.

The CHIEF SECRETARY: Under the Act we have been working on a percentage basis, and I hope the Committee will retain that principle and agree to an increase to 75 per cent. Do members consider that 75 per cent. is too much to pay to a worker who is laid aside through injuries sustained in the course of his employment? It is not possible to provide for his receiving the full amount of his wages, but he would need more money when he was laid up than when he was working. The proposed amounts of £9 for an adult male and £6 for an adult female are reasonable. If we adhere to the percentage basis, it might not be necessary to amend the Act so often. All we are asking for is an increase of 8½ per cent., which is a very fair proposal.

Hon. H. HEARN: The amendments have been framed with the object of eliminating the percentage. One point overlooked by the Chief Secretary is the immense amount that would be charged to industry for highly-paid skilled men, as every employee is to be brought within the definition of a "worker." If 75 per cent. were provided for a single man, we would be saddling industry with a heavy burden. Not only would it be a staggering blow to industry, but it would also provide for people in whom we are not as interested as we are in the married men, in that the single men would be getting the extra money.

Hon. L. A. LOGAN: I have worked out a few figures to show the effect of the proposal before the Committee. On the basis of 66½ per cent., a worker would receive £8 4s. and £2 for his wife, a total of £10 4s., whereas under the Government's proposal of 75 per cent., the amounts would be £9 12s. 6d., and £2 2s., a total of £11 14s. 6d. The amendment would give a single man £8 16s. and a married man would get £2 for his wife which would give him £10 16s. in all. A man with a wife and one child would receive £11 12s. and a man with a wife and two children would receive £12 8s., or 1s. 6d. above the present basic wage. I think that that is very fair and I would point out that the figures would go up and down according to the basic wage.

The CHIEF SECRETARY: I was already aware of the figures, but I would prefer a reasonable basis—

Hon. H. Hearn: Under this the single man would receive only 4s. less than you have asked for.

The CHIEF SECRETARY: Mr. Hearn mentioned 75 per cent. in the case of a high-salaried man; but under our proposal,

the maximum he could draw would be approximately £9, and that is little enough for anyone to live on today, particularly when he is injured.

Hon. J. G. HISLOP: It would appear to me that the discrepancy between £8 for a woman with two children and £12 8s. for a man with a wife and two children allows £4 8s. for the man. Would it not be fairer to give the female worker £9 as she still has two children to look after? There would be three people involved, instead of four.

Hon. H. Hearn: Personally, I would not mind giving the female with dependants £9 instead of £8.

The CHAIRMAN: I think it is covered in a later amendment.

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

Ayes	....	....	....	15
Noes	....	....	....	10
Majority for				5

Ayes.

Hon. L. Craig	Hon. Sir Chas. Latham
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. H. K. Watson
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	(Teller.)

Noes.

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

Pair.

Aye.	No.
Hon. N. E. Baxter	Hon. G. Bennetts

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That the words "ten shillings" in line 34, page 6, be struck out.

I repeat that the increase sought in the Bill is not justified.

The CHIEF SECRETARY: I did not know that wives were now taken so cheaply as this amendment would indicate. I thought £2 10s. was sufficiently modest, but to reduce that to £2 is going too far as no one could keep a wife for £2 these days. It would be a particularly niggardly sum for the support of the wife of an injured worker.

Hon. R. F. HUTCHISON: I cannot understand the reasoning of some members who would allow the wife of an injured worker only £2 per week: It is an insult—

Hon. H. Hearn: On a point of order, is the hon. member in order in saying this is an insult?

The CHAIRMAN: I do not think there is any point of order as the hon. member did not refer to any particular member.

Hon. R. F. HUTCHISON: I repeat that it is an insult to offer a woman with a sick husband only £2 per week. I cannot line this proposition up with common sense. The sensible thing to do would be to get a worker back to health. A relative of mine has been on £10 a week compensation and he has four children; as a result, he has had to be helped in order to get by. Where do the insurance companies stand in this? The premiums are not high. There is nothing reasonable about the arguments I have heard put forward this evening.

Another stupid anomaly is that a sick female worker is expected to manage on less than the amount received by a sick male worker. That is not commonsense. I opposed the appointment of the select committee, and I am of the opinion that it was a sheer waste of time.

The CHAIRMAN: I do not think the hon. member should cast any reflection on the select committee.

Hon. L. A. LOGAN: Obviously Mrs. Hutchison has not studied the Bill. The maximum payment a worker can receive is £12 8s. What is the use of increasing the allowance of the wife to £4 and providing nothing for the children?

The Chief Secretary: I will show you how to get over that.

Hon. L. A. LOGAN: The Chief Secretary wants to pay an injured worker more than the basic wage. If members studied the Bill they would realise that we have to take one into account with the other. Nobody is trying to put a value on the wife. We are seeking to fix a basis for arriving at the maximum payment. At what are we to fix the maximum? At £20 a week? This amount is 1s. 6d. over the basic wage.

The Chief Secretary: That is terrific!

Hon. L. A. LOGAN: The Chief Secretary thinks it should be more than that.

The Chief Secretary: Where there are dependants, yes.

Hon. L. A. LOGAN: If Mrs. Hutchison will look at the original Workers' Compensation Act she will find the definition of "workers' compensation." The legislation was designed originally to give relief to an injured worker. If we are to talk about the value of a wife we could probably value her from 1d. to £1,000,000. We should face up to the Bill now before us.

The CHIEF SECRETARY: I agree with the words of the hon. member. Let us be factual! What the hon. member and the select committee have done is to say, "The maximum payment will be so much." And to fit that in like a jig-saw puzzle, they have to come down the ladder.

Is it not more factual to arrive at what is the fair basis of payment to be made to an individual?

Hon. L. A. Logan: Of course it is!

The CHIEF SECRETARY: We should not say, "Irrespective of the circumstances, that is the maximum."

Hon. H. Hearn: We got to the amount you asked for in the Bill.

The CHIEF SECRETARY: The factual way to deal with the matter is to arrive at what is a fair amount for the injured worker; what is a fair amount for the wife; and what is a fair amount for each child. We are not asking for over-much. Taking the basis as provided in the Bill we are asking for an allowance of £2 10s. for the wife.

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

Ayes	....	....	....	15
Noes	....	....	....	11
Majority for				4

Ayes.

Hon. L. Craig	Hon. Sir Chas. Lathar-
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. A. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McL. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. L. A. Logan
Hon. A. R. Jones	(Teller.)

Noes.

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

Pair.

Aye.	No.
Hon. N. E. Baxter	Hon. G. Bennetts

Amendment thus passed.

The CHAIRMAN: If at this stage, Mr. Hearn will move his amendment for the deletion of paragraph (d), it will be in order.

Hon. H. HEARN: From the report by the select committee members will see what was arrived at in regard to this provision. I move an amendment—

That paragraph (d) in lines 35 to 37, page 6, be struck out with a view to inserting the following in lieu:—

- (d) substituting for all the words from and including the words "weekly payments" in line 36 to and including the words "two thousand one hundred pounds" in lines 47 and 48 of the paragraph the words:—
"weekly payments including payments in respect of dependants shall not exceed in the case of a male worker twelve pounds eight shillings and in the case of a female worker eight pounds and in

the case of a worker whose average weekly earnings at the date of the accident are less than the basic wage that sum being not less than four pounds or where the average weekly earnings of the worker are less than four pounds then the average weekly earnings which bears the same proportion to the weekly payment (including payments for dependants) to which the worker would be entitled if his average weekly earnings were equal to the basic wage as the largest of the following amounts, that is to say—

- (I) the wages of the worker in the week immediately preceding the accident or if the worker has not been so long employed;
- (II) a full working week's wages exclusive of overtime at the rate of pay for the work at which he was employed at the time of the accident; or
- (III) his average weekly earnings during the previous twelve months if he has been so long employed by his employer at the date of the accident; or if not
- (IV) his average weekly earnings for any less period during which he has been in the employment of the same employer

bears to the basic wage. The total liability of the employer in respect of weekly payments including payments for dependants shall not exceed two thousand four hundred pounds.

The CHIEF SECRETARY: After having seen the drafting of this paragraph I am not surprised there are such men as Mr. Heenan and others knocking around the State!

Hon. H. Hearn: Is he knocking?

The CHIEF SECRETARY: I think they would be knocking if they could interpret this. The most highly-qualified professional lawyer in the land would not understand what it meant. I have had a look at it, and it has been studied by experts, but neither I nor the experts are sure what it means. Does the hon. member mean that male workers in receipt of the basic wage or more will receive the maximum basic wage of £12 8s.?

Hon. H. Hearn: With dependants.

The CHIEF SECRETARY: Does he mean a worker whose average weekly earning is less than the basic wage will receive weekly compensation equal to his earning, with a minimum of £4; and where the actual weekly earning is less than £4, compensation will be payable in the proportion that his actual earning bears to the basic wage?

Hon. H. Hearn: If it is less than £4, he gets his full wages. You have not studied it long enough.

Hon. Sir Charles Latham: I read that into it.

The CHIEF SECRETARY: What does the hon. member read into it?

Hon. Sir Charles Latham: Whatever he was earning.

The CHIEF SECRETARY: I can imagine what will happen when this is being explained in another place. Can members honestly say they understand this amendment?

Hon. H. Hearn: I think it is quite clear.

The CHIEF SECRETARY: There are a number of people in this State who do not understand it.

Hon. A. R. Jones: It is certain the Crown Law Department will not understand it.

The CHIEF SECRETARY: The hon. member has a curious appreciation of the work done by civil servants in this State.

Amendment (to strike out words) put and a division taken with the following result:—

Ayes	....	....	....	15
Noes	....	....	....	11
Majority for				4

Ayes.

Hon. L. Craig	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. L. A. Logan
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. E. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	(Teller.)

Noes.

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

Pairs.

Aye.

No.

Hon. N. E. Baxter	Hon. G. Bennetts
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Amendment (to strike out words) thus passed.

Sitting suspended from 9.40 to 10.2 p.m.

Hon. H. HEARN: I move—

That the words proposed to be inserted be inserted.

The CHIEF SECRETARY: I would like to accept the explanation as to the meaning of these words given by Mr. Hearn. The hon. member says that as a result of this amendment a worker who receives less

than £4 a week will get the full amount. If he had included the words, "Where the earnings are less than £4, he shall be paid the full amount of his wages," I could understand it; but I do not understand this jargon.

Hon. H. HEARN: I assure the Chief Secretary that that is the intention of the amendment. If a worker is receiving up to £4 a week, he gets his full salary. I am quite happy to have the matter specifically mentioned if the Chief Secretary wants it, but that is the intention.

Amendment (to insert words) put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (e), in lines 1 to 3, page 7, be struck out and the following inserted in lieu:—

(e) deleting proviso (a) to the paragraph.

Paragraph (e) deals with the maximum weekly compensation; and as this has already been dealt with, it should be deleted. The proviso concerns workers receiving less than the basic wage, and this subject has already been dealt with under Clause 9, paragraph (d).

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (f), in lines 4 to 6, page 7, be struck out.

This paragraph deals with limited liability; and as it has already been dealt with in paragraph (d), it should be deleted.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (g), in lines 7 to 10, page 7, be struck out.

This paragraph deals with junior members; and in view of the decision in regard to paragraph (d), it should be deleted.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (h), in lines 11 to 14, page 7, be struck out.

This also deals with junior workers; and it should, for the same reason as applies to the previous paragraph, be deleted.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (i), in lines 15 to 17, page 7, be struck out.

This deals with board and lodging, which is part of the weekly wage. The select committee's report shows that the Australian Workers' Union will allow only 25s. per week. A person who is boarding a worker is allowed only 30s. per week from a taxation point of view. It is incongruous to think that the Australian Workers' Union allows only 25s. a week, and then it asks for an increase here.

Hon. R. F. HUTCHISON: It is wrong to say that the Australian Workers' Union will allow only 25s. As far as I know, that provision is put in by the court, and the union has no option in regard to it.

The CHIEF SECRETARY: The amount of £3 in the Bill is reasonable enough today. I do not think this makes a great deal of difference, because it will be adjusted by the Premium Rates Committee. The alteration only conforms to present-day costs.

Hon. L. C. DIVER: Many people in the State will be cheered to hear the Chief Secretary say that £3 should be the amount for board and lodging. I cannot agree with it at present owing to what successive Governments have allowed married couples on State farms. It is a condition that those people board a man for 25s. a week.

The Chief Secretary: Is that the State or the Federal Government?

Hon. L. C. DIVER: The Merredin State farm is controlled by the State Government. Those people would be cheered if they were notified by the Government that the amount was to be increased from 25s. to £3. Until such time as the Government sets the matter in order, I cannot be a party to an increase here.

Hon. R. F. HUTCHISON: I still make the point that it is by order of the court. We know what the court decided about the basic wage. The court, not the union, makes the award.

Hon. H. HEARN: A little knowledge is dangerous. Mrs. Hutchison has proved, by her remarks, that she knows very little about what happens at the Arbitration Court. Certainly the award receives the sanction of the court; but if the union concerned is prepared to admit that the board and lodging is worth 30s. or £2 per week, there is no doubt that it would go through the court. It is because of the opposition by the union that it is fixed at 25s.

Hon. C. W. D. BARKER: This will affect those workers in my electorate whose board and lodging is taken into account. The amount of 30s. is not half enough.

Hon. H. HEARN: Get your unions to work.

Hon. C. W. D. BARKER: We can rectify it in the Bill.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That after line 17, page 7, a paragraph to stand as paragraph (j) be added as follows:—

Substituting for the word "forty" in line thirty-two of the proviso (c) to paragraph (c) the word "fifty."

This is a small alteration and will increase the amount allowed for funeral expenses from £40 to £50.

Hon. H. HEARN: I support the amendment.

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

Clause 10—Paragraph (e) of Clause 1 of the First Schedule amended:

Hon. H. HEARN: I ask members to vote against this clause, which seeks to increase the allowance for meals and lodgings whilst the worker is away from home receiving treatment. During his second reading speech the Chief Secretary gave us a long list of benefits enjoyed by workers in the Eastern States but not available to those in Western Australia. But he did not mention the travelling and meal allowance. For the information of members, Tasmania is the only other State that pays an allowance such as this, and that is on a much lower scale. We think that we are doing a fair thing, and that the allowance should be left as it stands. If that is done, we will still be the leaders in this field in the Commonwealth of Australia.

The CHIEF SECRETARY: I hope the Committee will agree to this clause. This provision deals with a person who travels, not at his own request but at the request of his doctor or employer. To say that a man shall receive only 15s. 6d. a day while staying in the city is just too ridiculous. I think that the sum of £1 a day is really too modest.

Hon. J. G. HISLOP: I hope Mr. Hearn will not persist in opposing this clause. He referred to Tasmania, but he forgets that the other States have different arrangements regarding medical care. In Tasmania the distances to be travelled are not great and the workers are close to the centres of medical care. New South Wales and Victoria have a well-established system of base hospitals, and it is not necessary for injured workers to travel far for skilled medical attention. But in this wide State we have only one medical centre. Kalgoorlie and a few other centres can cater for certain medical care; but if a person requires specialist attention, he must come to the city. It is almost impossible for an individual to find accommodation in the city at under £5 a week.

It is cheaper, from the point of view of the insurance companies, to house a person in the city rather than house him, at a cheaper rate of lodging, in one of the suburbs, because the extra travelling expenses, plus lodgings, would amount to more than the board and lodging in the city. At present I have a couple of cases in mind. One man was brought from Kalgoorlie and has been here for some time; but because the Act does not allow him sufficient to meet his needs, he has had to go some miles out of town to find accommodation. The travelling he has to do is tiring and costs too much. As the Chief Secretary said, the amount asked for is modest; and I hope Mr. Hearn will not persist in asking that this clause be struck out of the Bill.

Hon. E. M. HEENAN: The reasons given in the select committee's report are that the committee feels that the present provision in the Act is generous. As the Chief Secretary pointed out, if a man injures his eyes, he is sent to Perth for treatment, and a person cannot get board or lodgings for 16s. 6d. a day. I should think the employers would readily agree to the proposal in the Bill because it is in their own interests for their employees to get the best medical care possible, as soon as they can, to minimise losses. The unfortunate worker has no choice in the matter. Surely a sum of £1 a day is reasonable; a man would be lucky to get board and lodgings for that these days. I think Mr. Hearn would be well advised to withdraw his opposition to this proposal.

Hon. H. HEARN: I shall not insist on asking members to vote against this clause. Clause put and passed.

Clause 11—Clause 3 of the First Schedule amended:

Hon. H. HEARN: As this is the only place where it is necessary to retain the percentage, it is impossible to delete it, as it deals with the difference between a worker's wages at the time of injury and the amount he is able to earn. I feel that the 66½ per cent. is sufficient.

The CHIEF SECRETARY: I must ask members to agree to the Bill as it stands. This question has been argued before.

Clause put and negatived.

Clause 12—agreed to.

Clause 13—Proviso to Clause 9 of the First Schedule amended:

Hon. H. HEARN: This deals with under-age workers on compensation for more than 12 months. The amendment I have on the notice paper is essential in view of the new method of collating compensation, to which members have agreed. I move an amendment—

That the words "amended by substituting for the words 'sixty-six and two-thirds' in line five the word

'seventy-five'," in lines 2 to 4, page 8, be struck out and the following inserted in lieu:—

repealed and re-enacted as follows:—Provided that where the worker was at the date of the accident under twenty-one years of age and his average weekly earnings were less than the basic wage at that date and the review takes place more than twelve months after the accident the weekly payment may be increased to any amount not exceeding the amount to which the worker would have been entitled at the date of review by way of weekly payments including payments for dependants in accordance with the provisions of paragraph (c) of Clause 1 of the schedule as if at the date of the accident the worker had been earning the amount he probably would have been earning at the date of the review if he had remained uninjured.

I have an apprentice who, in the second year of his indentures, met with a serious accident and was on compensation for a period of between one and two years. It would be competent to reassess his compensation payments according to the wages he would be receiving had he not sustained the accident.

Hon. L. C. Diver: No one would quarrel with that principle.

The CHIEF SECRETARY: If the amendment had finished after the word "Schedule", it would have been correct. How could a person be receiving at the date of the accident the amount which he would have received at the date of review?

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

Clause 14—Clause 11 of the First Schedule amended:

Hon. H. HEARN: Clause 14 refers to the limit of liability. I move an amendment—

That the word "eight" in line 7, page 8, be struck out and the word "four" inserted in lieu.

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

Clause 15—Second Schedule amended:

Hon. H. HEARN: I know that some members will be disappointed to think that the select committee was not able to adjust these schedules other than to increase the amount. As intimated earlier, it very soon became apparent to the select committee, after examining a few witnesses, that it was up against a very big task; and as the proceedings went on, this fact was consistently brought home to us. Even the representative of the B.M.A. was not helpful in that regard. He indicated very clearly that the job would

take a long time; and that when an attempt is made to alter the basis of the payments, insuperable difficulties are encountered. I have not changed my ground, but seeing that the Schedule, like Topsy, has just "grewed," I realised that the only thing for me to do, owing to the shortness of time and the anxiety of this Chamber to deal with the Bill this session, was to fall in with the wishes of my colleagues and agree to the basis of increases in the Second Schedule.

I trust that the Government will give earnest consideration to the recommendation of the select committee and that some committee will be appointed to look into the incidence of workers' compensation, particularly in regard to Second Schedule payments. If these payments were graded scientifically, it would be possible to increase some of the larger amounts. We have not altered the basis, but have merely increased the amounts. I move an amendment—

That the figures in the second column be struck out and the following inserted in lieu:—

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2,400
2,400
2,400
2,400
2,400
2,400
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1,680
1,555
1,795
1,440
1,795
1,440
1,440
480
960
960
720
625
480
380
380
190
285
260
480
240
140
45
2,400
960

Hon. J. G. HISLOP: I congratulate the select committee on the work it has done. It must have been of a very intense character and I think something has been produced that is worth while. What the committee has shown more than anything else is the need for a continued review by bodies specially interested in workers' compensation. Though I feel some disappointment, I realise that such a review

would take a long time; but the report we might get eventually, I believe, would be worthwhile. It is possible that we may come to regard the Second Schedule as a minor part of the Act, because the total cost under the old figures would not amount to much more than £50,000 and the major items, Nos. 1 to 7, would probably not constitute more than £20,000 or £25,000 in a year.

Hon. L. A. LOGAN: The scientific schedule put up by Dr. Hislop last year has much to commend it, and the Government should set up a committee to consider it. In 1948, when the present basis was laid down, the payment for the loss of a toe may have borne some ratio to the payment for the loss of an arm. Since then it has been increased, but it is quite possible that the ratios have got out of balance; and that is one reason why we wanted a scientific approach to the Second Schedule. I rose to let Dr. Hislop know that during the evidence there was quite a lot said in favour of the Second Schedule being approached on a scientific basis. If the medical profession could get together with the union secretaries and the employers and explain to the laymen exactly what they meant in the approach to the matter, we would get a schedule acceptable to all. Our difficulty was to put up a schedule that would not result in controversy. We asked the Government to establish a committee to work out a schedule which would be acceptable to all parties.

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

New clause:

Hon. H. HEARN: I move—

That the following be inserted to stand as Clause 8:—

Subsection (3) of Section 13 is amended by inserting after the word "insurer" in line 9 the words "no employer in compiling such statement shall be obliged to take into account that portion of the wages of any worker which exceeds or which he estimates will exceed the sum of twenty-five pounds per week and."

This clause is designed to limit the employer's liability to pay insurance premiums up to a maximum of £25 wages per week for any worker. This is necessary in view of the alteration in the interpretation of "worker" to cover all employees.

New clause put and passed.

New clause:

Hon. H. HEARN: I move—

That the following be inserted to stand as Clause 9:—

Subparagraph (iv) of paragraph (b) of Subsection (1) of Section 30 is amended by inserting after the word "wages" in

line 3 the words "(up to a maximum of twenty-five pounds per week in respect of each worker.)"

The same remarks apply to this as apply to the new clause to which we have just agreed.

New clause put and passed.

New clause:

Hon. E. M. DAVIES: I move—

That the following be inserted to stand as Clause 10:—

Paragraph (c) to the proviso to paragraph (c) of Clause 1 of the First Schedule to the principal Act is amended by—

- (a) deleting the words "artificial limbs" in lines fifteen and sixteen;
- (b) deleting all words in the last eight lines of the paragraph and substituting the following:—"and any surgical appliance, mechanical contrivance, or artificial limb can be procured to relieve such disablement he shall be entitled to the cost of such appliance or contrivance up to the sum of £15 or in the case of an artificial limb up to the sum of £50."

This matter was brought before the select committee, when we were told that the cost of providing an artificial leg had been included in the £100 medical expenses. The provision in the Act was found to be ambiguous. The State Insurance Office interprets the provision in accordance with the decision of Parliament, but some of the insurance companies place a different interpretation upon it. My amendment attempts to alter the phraseology of the section to clarify the position; and, although not adding any further cost, it will remove the ambiguity and make certain that those who unfortunately lose a limb and are fitted with an artificial leg will be entitled to receive the full £50 instead of portion of it being deducted out of his £100 medical expenses.

Hon. H. HEARN: The select committee received two letters along the lines indicated by Mr. Davies. As I think the amendment would clarify the position I support it.

The CHIEF SECRETARY: In order to finish up on a happy note I will join the unholy alliance and support the amendment on behalf of the Government.

Hon. J. G. HISLOP: I move—

That new Clause 10 be amended by striking out all words after the word "contrivance" in line 11 of paragraph (b).

This would entitle the individual to the full cost of the limb, contrivance or appliance. I think we should be generous and tell the injured worker that he is entitled to the full cost of the appliance or contrivance necessary to his rehabilitation.

Hon. H. HEARN: Although I have a great deal of sympathy for Dr. Hislop's view, I think a specified sum should be mentioned.

Hon. J. G. HISLOP: If the worker is allowed only portion of the cost of the contrivance or appliance, he may secure an inferior one in order not to have to pay much above what he is allowed. If Mr. Hearn feels that my amendment would leave the position open to abuse, perhaps we could add something such as "any approved surgical appliance." I therefore suggest to the Chief Secretary that he should not proceed with the third reading of the Bill tonight and in the meantime work out some provision leaving it to the medical adviser, the insurance company or a referee to approve of the limb, appliance or contrivance.

Hon. L. CRAIG: If we strike out reference to a fixed sum, the insurer or the insurance company might send the injured worker to some particular manufacturer to obtain the appliance or limb, with the result that he would get an inferior article, whereas today £50 would allow him to buy the best. If in future we found that £50 was not sufficient, we could amend the legislation accordingly.

The CHIEF SECRETARY: Perhaps we could achieve what is necessary by providing that the limb, appliance or contrivance be up to the specifications of the Repatriation Department. I do not intend to move the third reading tonight, so we can have an amendment drafted.

Hon. L. CRAIG: We could insert these words, "in accordance with the standards laid down by the Commonwealth artificial limb factory." That would cover the whole position, because the standards of that factory are always the best.

The CHAIRMAN: Does Dr. Hislop wish to withdraw his amendment?

Hon. J. G. HISLOP: Yes, and it will then leave the way open.

Amendment, by leave, withdrawn.

Hon. H. HEARN: I suggest that we report progress for a short time so that we can have a look at the clause. It is a most important one from everybody's point of view.

Sitting suspended from 11.14 to 11.30 p.m.

The CHIEF SECRETARY: I move—

That new Clause 10 be amended by striking out the words "mechanical contrivance" in line 6 of paragraph (b).

Amendment put and passed.

The CHIEF SECRETARY: I move—

That new Clause 10 be amended by striking out all the words after the word "or" in line 9 of paragraph (b) and inserting the words "artificial limb. Provided that any artificial limb shall be in accordance with the standards laid down by the Commonwealth artificial limb factory" in lieu.

Amendment put and passed.

New clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Returned from the Assembly without amendment.

BILLS (4)—ASSEMBLY'S MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

- 1, Native Welfare.
- 2, Radioactive Substances.
- 3, State Government Insurance Office Act Amendment (No. 2).
- 4, Betting Control.

BILL—PARLIAMENTARY SUPER-ANNUATION ACT AMENDMENT.

Received from the Assembly and read a first time.

ADJOURNMENT—SPECIAL.

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

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

Question put and passed.

House adjourned at 11.39 p.m.

Legislative Assembly

Tuesday, 7th December, 1954.

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

QUESTIONS.

AGRICULTURAL SOCIETIES.

As to Land Tax Liability.

Hon. A. F. WATTS asked the Treasurer:

(1) In what circumstances (if any) is land held by an agricultural society liable for land tax?

(2) If there are any circumstances in which such land is liable for tax, does the department consider they apply to the Kendenup Agricultural Society?

(3) If the answer to No. (2) is in the negative, why has the Kendenup Agricultural Society this year, for the first time, received an assessment for land tax?

The TREASURER replied:

(1) Land held by an agricultural society but used for purposes other than agricultural show purposes, may be liable for land tax.