thought was right. I have regarded all hon. members as my friends, even though we might have differed politically.

I remember that years ago I introduced a Bill on behalf of the Fremantle Trotting Association. Representatives of the churches came to me afterwards and said they wanted a deputation to the Premier. I said, "All right; you are entitled to be heard. But don't forget that I'm not supporting you." They said, "If you only introduce us, that will do." When I brought them to Philip Collier he said, "You have taken your deputation to the wrong person; you should have taken it to the member for Fremantle." The Fremantle paper said, "This Sleeman is a funny fellow. He introduces a Bill and then takes to the Premier a deputation against his own Bill." I think what I did was right; those people were entitled to be heard.

I would say that the members in the Parliament of Western Australia are more friendly than those in any other Parliament in Australia. In other Parliaments I have heard them say, "I would not have a drink with that Liberal B." That goes on in the other States, but there is none of it here. In this Parliament we say what we think, but we are all respected.

I am not getting out because I do not feel fit enough to carry on, but simply because I have had a good spell. Thirty-five years is a long time to which to look forward, but it is not such a long time on which to look back. A man should get out when he reaches my age in order to give a younger person a chance to represent a constituency in this House.

I decided to go for this trip before the session ends, because I think it would be better for me to arrive at the countries I intend to visit as the member for Fremantle rather than as a "has-been". I have from the Secretary of the Parliamentary Association, letters of introduction to people in which I am introduced as the member for Fremantle. If I left this Chamber at a later date they would say that this was the man who, some time ago, used to be the member for Fremantle.

Again I wish to thank all hon. members for what they have said and remind them that I will come up here to see them sometimes. If anyone would like a little Geisha girl brought back, I suggest he make application before Monday!

House adjourned at 6.18 p.m.

Legislative Council

Tuesday, the 11th November, 1958.

CONTENTS.

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

BILLS (5)—ASSENT.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Prevention of Cruelty to Animals Act Amendment.

2, Municipal Corporations (Postponement of 1958 Elections).

3, Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment.

4, Tuberculosis (Commonwealth and State Arrangement).

5, Weights and Measures Act Amendment.

QUESTIONS ON NOTICE.

ESPERANCE AREA.

Government and Private Expenditure.

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

(1) What is the monetary value of Government works undertaken in the Esperance area on—

(a) roads;

(b) water supplies;

(c) harbour works;

(d) surveys.

for the financial years ended—

(i) 1954-55;

(ii) 1955-56;

(iii) 1956-57;

(iv) 1957-58?

(2) Are any of the above costs recoverable in full or in part from Esperance Plains Australia Pty. Ltd.?

(3) What amount of American capital has been introduced into Western Australia by Esperance Plains Australia Pty. Ltd. since the agreement with them was signed in 1956?

(4) What is the estimated capital expenditure in the Esperance area by private concerns since the signing of the agreement in 1956?

The Hon. H. C. STRICKLAND replied:

(1)

	1954-55.	1955-56.	1956-57.	1957-58.
	£	£	£	£
(a)	35,141	23,475	59,373	117,803
(b)	—	—	—	—
(c)	4,850	3,255	3,725	528
(d)	—	—	10,011	16,214

(2) The cost of land survey is recoverable up to a maximum of 1s. per acre on land purchased by the company. Land survey costs amounted to £5,679 during 1956-57 and £6,917 in 1957-58.

(3) The company's representative advised in September, 1958, that £350,000 had been expended by the company.

(4) This information is not available.

COLLIE STOCK LOADING YARDS.

Removal to More Suitable Site.

2. The Hon. G. C. MacKINNON asked the Minister for Railways:

(1) Is the Minister aware that the present stock loading yards at Collie are in the middle of the town and very inconveniently situated?

(2) Will the Minister give early priority to moving these yards to a more suitable position?

The Hon. H. C. STRICKLAND replied:

(1) and (2) Re-siting of the stock loading yards has already been listed for consideration when allocating loan funds.

MILK.

Sale in "Tetra" Pack.

3. The Hon. G. C. MacKINNON asked the Minister for Railways:

(1) Was the application for permission to market milk in "Tetra" packs accompanied by a request for an extra margin for milk so packed?

(2) Will the Minister table a copy of the answer given to the application to market milk in "Tetra" packs?

The Hon. H. C. STRICKLAND replied:

(1) and (2) Yes.

WEST PROVINCE.

Seat Declared Vacant.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.43]: I move—

That this House resolves that owing to the death of the Hon. Gilbert Fraser, late member for the West Province, the seat be declared vacant.

Question put and passed.

INSPECTION OF MACHINERY ACT AMENDMENT BILL.

Third Reading.

Read a third time and passed.

LICENSING ACT AMENDMENT BILL.

Recommittal.

On motion by the Hon. J. G. Hislop, Bill recommitted for the further consideration of Clause 2.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. A. F. Griffith in charge of the Bill.

Clause 2—Section 44C amended:

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

Page 2—Delete new paragraph (c) inserted by a previous Committee.

The reason for the amendment is that the present wording does not fit into the Bill and the intention is to substitute more appropriate wording.

The Hon. A. F. GRIFFITH: Since the Bill was previously dealt with in Committee, inquiries have revealed that the hon. Dr. Hislop's amendment is necessary.

Amendment put and passed.

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

Page 2—In proposed new subsection (3), add a subparagraph to paragraph (a) to stand as subparagraph (iii) as follows:—

(iii) if considered necessary for the adequate function of this section grant a wayside house licence in relation to the room referred to in paragraph (b) of subsection (1) of this section.

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

Bill again reported with further amendments.

LAND ACT AMENDMENT BILL (No. 3).

Second Reading.

THE HON. L. C. DIVER (Central) [4.48] in moving the second reading said: This small Bill seeks to validate a position which many people believe already exists. Section 29 of the Land Act sets out the various purposes for which the Governor may set aside land and make reserves. These are many and varied, and, among others, include sites for town halls, public baths, libraries, agricultural societies, temperance institutions, cricket grounds, golf links, bowling greens, tennis courts, croquet grounds and racecourses. Paragraph (j) of Section 29 permits the making of reserves necessary for the embellishment of towns, or for the health, recreation or amusement of the inhabitants.

Recently a reserve in the Mt. Marshall electorate was made for the purpose of a club site, but when the club occupying the site had spent approximately £23,000 on premises, and had made application to the Licensing Court for registration under the Licensing Act, it was pointed out by counsel, in opposing the grant of registration, that the title to the land on which the club was sited was bad, in so far as the Governor had no power under Section 29 of the Land Act to make reserves for the purpose of a club site. I took the matter up with the Minister for Lands and he was good enough to refer the subject to the Crown Law Department. The opinion of the Crown Law Department was to the effect that it was very doubtful whether Section 29 authorised the setting aside of land for the purpose of club sites. This Bill, if passed, will, I trust, give the Governor authority to make reserves for club sites and premises. The opinion is that it will confer a power to create reserves for this purpose; a power which the Lands Department thought it had for a number of years.

I have covered the real import of the Bill which is designed to insert only a few words into the Land Act. I trust, therefore, that the House will facilitate the passage of the measure, because it is obvious that the Lands Department, over the years, has vested land in various sporting organisations in the belief that it had the power to do so. If the Bill is agreed to, it will clarify the position. I move—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.52]: The Government and the Minister for Lands have considered the contents of the Bill, and there is no objection to it.

On motion by the Hon. R. C. Mattiske, debate adjourned.

CANCER COUNCIL OF WESTERN AUSTRALIA BILL.

Second Reading.

Debate resumed from the 5th November.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [4.53]: I am sure hon. members will agree with me that the hon. Dr. Hislop's speech on the second reading of this Bill was most informative and instructive, and that we will be wise to follow the advice he gave concerning this dreadful disease. During the course of his speech, the hon. Dr. Hislop suggested that the Bill could be improved by modifying the control and authority over the council. That suggestion has been considered and agreed to by the officers of the Health Department and the Minister.

It is thought that the Act will work more smoothly and more satisfactorily to all concerned if the Bill is amended to conform with the hon. Dr. Hislop's suggestion. Therefore, during the Committee stage I propose to move some amendments to the Bill which will meet the wishes of the members of the proposed cancer council, the hon. Dr. Hislop and the Minister for Health.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

Clauses 1 to 5—put and passed.

Clause 6—The Council:

The Hon. H. C. STRICKLAND: I move an amendment—

Page 8, line 20—Insert after the word "The" where first appearing, the words, "offices of".

This amendment is self-explanatory. It will mean that the officers of the council or their deputies will be entitled to receive remuneration. The amendment is designed to cover the position relating to those who hold offices of profit under the Crown. If passed in its present form, the Bill will provide that no hon. member of Parliament would be eligible to act as a member of the cancer council without first forfeiting his seat in Parliament. The object of the amendment, therefore, is to obviate this.

The Hon. J. G. HISLOP: I express my thanks to the Minister and to hon. members for the courtesy that has been extended to me throughout the discussion on this Bill. There is no doubt that this amendment is designed so that I may be able to remain a member of the Cancer Council, and also, that other hon. members of the Legislative Council can take their seats as members, should they so desire. The amendments proposed by the Minister are not really mine, but those of the council. All the members of the council are desirous of performing some real service towards the prevention of cancer.

Amendment put and passed.

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 8—Delete all words from and including the word "while" in line 21 down to and including the word "Minister" in line 24, and substitute the following:—
>
> > shall be deemed not to be offices of profit from the Crown on acceptance of which offices by a Member of the Legislative Council or the Legislative Assembly, his seat becomes vacant.

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

Clauses 7 to 14—put and passed.

Clause 15—Minister may dismiss members of Board:

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 14, line 37—Insert after the word "Institute" the words "after consultation with the Council."

The reason for this amendment was explained by the hon. Dr. Hislop when he expressed the opinion that the Minister should not have power to dismiss summarily an officer from the board of any institution; he said that the Minister should first of all consult the council. His view has been considered and accepted by the department and the Government.

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

Clause 16—put and passed.

Clause 17—Functions, powers and duties of Board.

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 16, line 7—Delete the word "Minister" and insert the word "Council" in lieu.

It was explained that the functions and powers of the board were directly subject to the Minister. It is generally thought and agreed that the council and the board will be able to work more amicably together if the powers and functions of the board are subject to the council. Of course, the Minister will have a say in the administration of the Act in other directions. This is purely a machinery amendment.

Amendment put and passed.

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 16, line 11—Delete the word "Minister" and insert the word "Council" in lieu.

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

Clauses 18 to 30, Title—put and passed.

Bill reported with amendments.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL.

Second Reading.

Order of the Day read for the resumption of the debate from the 6th November.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL (No. 2).

First Reading.

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 6th November.

THE HON. J. G. HISLOP (Metropolitan) [5.12]: It is with regret that one sees an interim plan brought forward for

another year, because years have gone by since we held a Royal Commission into this question; and years have gone by since Professor Stephenson drew up his plan. Yet, we see the need to hold these people to an interim plan for another year. When I say, "these people," I mean the people of the City of Perth who are desirous of doing something with their property, but concerning which the Town Planning Board is doubtful in relation to the future planning of the city and of the metropolitan area.

It is rather alarming to realise, from the Minister's introductory speech, that even if the interim town planning scheme had not been brought down this year, and a full plan had been a adopted, some interim measure would have been necessary, because it would take the best part of a year before the plan could be implemented. The result is that we must now look forward to another interim plan next year, even though it is accompanied by a full-scale metropolitan plan. Therefore, I think the remarks of the hon. Mr. Diver, in relation to the section of the people for whom he spoke, were quite wise, because something should be done to give them relief.

When one looks through the Bill, one finds that Clause 2 is little more than the actual verbiage of the present provision. Clause 3 alters the date, and gives the legislation one more year of life. When we come to Clause 4, which seeks to amend Section 19, I begin to wonder what is the meaning behind it. Surely it is not possible for a Town Planning Board to suspend, vary, supplement or supersede any of its plans at any of its meetings! But, that is what the Bill suggests, because it provides that where a scheme is prepared and published, and where any Crown land, the subject of a town planning scheme, has been sold, leased or disposed of, the board may suspend, vary, supplement or supersede any of the provisions of the town planning scheme. So, it looks as though the board can change its views in regard to the plan at any meeting.

This is exactly what some people, who are handling real estate, object to. They consider there should be a plan to which the board adheres, so that they may know exactly what can be done with land sites. They feel they should be able to look at an area, or a block of land, and compare it with the plan and say, "This land can be used for the purpose of subdivision," or, "This is reserved for gardens and parks." But that does not seem possible if the board can vary its views from meeting to meeting. I think the House is entitled to have some explanation given to it in connection with this clause.

The Hon. A. F. Griffith: Is that Clause 4?

The Hon. J. G. HISLOP: Yes. The other point about the clause that I wish to deal with is in regard to the wording. If we look at the original Act, we find the same words in Section 19 because it provides—

> Where any Crown land has been, or hereafter shall be, set aside or reserved . . . .

Then certain things shall happen. What has occurred since? Has Crown land been sold and the conditions of the sale not carried out? It appears that that is the position when, after 12 years, we have the same words in the provision. If, under the original Act, the land has been held, from 1946 to 1958, we really need only add to the section the words "to be sold." Therefore, there might be some question of the validation of previous actions.

From the Minister's speech, it would appear that Clauses 5 and 6 follow on action taken by Parliament last year in connection with some land on the north coast, which was sold without subdivisional approval; and where it was doubtful whether the individuals could get the titles to the land which they had purchased. It is suggested by the Minister that we leave it so open now that a 99 years' lease, or a 199 years' lease might be granted. In order to meet that position, we find these clauses in the Bill setting out what is required in order to cover the omission that occurred last year.

On reading the measure, I believe that the real omission could be rectified simply by the insertion of a few words into Section 20 (1) (b) of the Act. This section provides—

> After the coming into operation of the Town Planning and Development Act Amendment Act (No. 2), 1957, a person shall not, without the prior approval in writing of the board, lease any land . . .

At this point, we could simply insert the words—

> For any term exceeding ten years.

I think that would cover all that is needed in these two long provisions. I would like hon. members to look at Clause 6, because, I believe, it gives far too much power; and power that is not really required. I do not know whether that is really sought; but it would suggest that nobody can sell a portion of his land, even if it is a residential block in the metropolitan area, without having the approval of the Town Planning Board. I do not for one moment imagine that the board wants to do that. I do not think it was ever envisaged that the board would hold up individuals from selling land in already built-up areas.

But one has to do one of three things. A transfer, conveyance, lease or mortgage of any piece of land cannot be received or registered in the Titles Office unless one observes the conditions set out in the

Bill. So, I would like a further explanation from some hon. member, or from the Minister, as to whether that is really needed; because there is some alarm exhibited in regard to the functions of the board.

During the week-end, I made some inquiries around the city concerning the views of people who had had dealings with the board. I was surprised to find that people who usually use the calmest language to me when discussing matters of this nature, used such terms as "this is the most bureaucratic department in the whole of the State Government". Surely that sort of thing is not wanted! They all agree that the Town Planning Board is necessary, but they do not agree that it should be as autocratic as it is. They pointed out, for instance, that a number of subdivisions which had been negatived by the Town Planning Board were afterwards allowed by the Chief Secretary (the late Hon. Gilbert Fraser) and that, had it not been for his fair handling of the situation, there could have been a great deal of difficulty in such matters.

One person made the comment to me, that one of the greatest difficulties he experienced was that neither the Town Planner, nor the Town Planning Board, knew exactly where they were going. They had no definite plan in mind yet, and, therefore, he had received no definite statement as to what would happen to the portion of land, big or small, in which he was interested. They could not give a definite answer, because the future of the area concerned apparently was not known. People to whom I spoke instanced the difficulty in finding out the exact boundaries of the marshalling yards, and whether people in certain areas were at liberty to sell their houses. A number of other situations of that sort were brought to my notice.

There was a general comment that it took too long to receive replies from the board. Not one, but several persons, said to me that if they wrote to the board they would probably get replies to their letters in a couple of months. That, in itself, is difficult for those who are conducting business in real estate. I was told that these matters are then referred to the Health Department for some time; then they have to be discussed by other departments for a time, and possibly six or more months will elapse before a definite answer is received as to what a person can do with land which he desires to subdivide, or handle in some other way.

Those to whom I spoke complained of one section, which I have not been able to find, in which it is stated that the powers of the Town Planner shall be so-and-so, plus any other authority that the Town Planning Board is at liberty to give him, or the Minister can allow him. Therefore, there is no complete limit to the powers of the controller of this department, and most people feel that it is time some specified powers were given to the board. Then everybody would know where he was going, and would be able to co-operate with the board. For instance, one person made the comment to me that one can look at a parcel of land, and then look at the plans and see that it is reserved for park lands under the Stephenson Plan. But one is quite likely before long to find that someone else has made some suggestions to the board, and that the area of proposed park lands is subdivided. Because, according to the plan, it was to be park lands, the people who originally looked at that area had the idea that it could not be subdivided and they went no further with their proposals.

It is this sort of thing that makes me wonder what these clauses in the Bill will give to the board in the way of power. One other difficulty that has cropped up in the city, I understand, is that some firms will not sell until they have received a declaration from the Titles Office, and until they have gone through all the paraphernalia required by the Act and the board—which entails the building roads into the subdivisions—which means that they have to lay out capital before they can sell the land. But another body will buy a parcel of land and sell the blocks, knowing quite well that the buyers will not be able to get their land for about six months. The person who buys the land, builds the roads when he has received his money for the blocks, so that the capital he invests in the subdivision is much less than the capital required by the individual who observes the law.

I have simply collected the views of people outside, because with the late Chief Secretary, I took such an interest in the Town Planning Board. We all had hopes that long ere this, after the Stephenson Plan had been prepared, we would know exactly what was to be laid out for the future of this city. Had that been done, we would have known where we stood, and those who deal in real estate would not be hampered in their business. Had something definite been laid down, people would have had faith in the plan which will have such a big effect on the future of the City of Perth.

I agree that there will be some difficulty if this interim plan remains much longer. We have had an instance of it very close to our own home where a property has recently been sold. It is common knowledge that the proposed purchasers had, at an earlier date, decided not to purchase because they did not know—no-one yet knows—where the road from the bridge will cross Mount-st., or which houses are to be taken into the plan for the building of that road. So, to delay the plan much longer would, in my opinion, be unwise. It might be that an opinion should be expressed and passed

on, either to the outgoing or incoming Government, that the public are becoming restless in regard to town planning, and that we consider every effort should be made to produce, before Parliament discusses the matter next year, a measure which will have some permanence and some positive effect so that individuals can dispose of their property; and so that the ordinary business life of the city, in regard to the sale and use of land, transfers, etc. can be carried on as previously.

Before I sit down I want to say that at the present moment I am doubtful about the necessity for Clauses 4, 5 and 6. I do not propose to support them unless I can be assured that the provisions they contain will have the effect which the Town Planning Board expects, and which is very necessary; they should not be sweeping and wide in their implications as I myself and others, believe they will.

THE HON. A. F. GRIFFITH (Suburban) [5.31]: I share many of the views expressed by the hon. Dr. Hislop. The Bill contains provision for the continuance of the interim development order for another 12 months. As the hon. Dr. Hislop has told us, it also asks that further amendments be made to the principal Act. The hon. member mentioned Clause 4, and I also wish to refer to Clause 4 a little later.

Last year we found ourselves in exactly the same position as that in which we are placed this year, namely, that the Government was obliged to ask for an additional extension of 12 months to the interim town planning development order. I am quite certain that had our late Chief Secretary, Gilbert Fraser, been blessed with better health, he would not have permitted this situation to prevail, where Parliament is being asked to further extend the interim development order for another 12 months. I remember his saying that he would get on with the job and see that we had before Parliament a town planning Act for the regional plan. It is regrettable that his health did not permit that to be accomplished.

We still have not—in name anyway—an appropriate Act to control and implement the regional plan. Parliament and the people of the State are entitled to some finalisation in this matter. At this stage we are entitled to ask whether the regional plan is completed, and when it will be ready if it has not been completed. I think the plan was started in December 1953, nearly five years ago, and we are still waiting for that regional plan.

It is regrettable that in the meantime the Government implements and changes the plan as it likes. We see the Press publicity concerning the carbarn, for instance. The action of the Government in that respect is contrary, I think, to the town planning scheme. We see the railway line being taken out of another section of the metropolitan area by edict of the Government, and when it comes to my own province, and I start asking questions about the metropolitan markets —as to their situation and future locale —I cannot get any satisfaction at all.

On the other hand, the trust has constructed a large building which the Premier opened the other day. I am not critical of that particular fact, although I am critical of the position with reference to people who are now living in the region where we expect the metropolitan markets to be established; people who own land, want to sell it, subdivide it, or build upon it, and find they cannot do anything with the land which they own, unless it be subject to the deliberations of the Town Planning Board.

This has been going on for so long that I think it is about time some satisfaction was given to the people. I have found it necessary to get up and complain about this state of affairs on behalf of the people I represent. But I regret to say we do not get any nearer to a solution.

The Hon. H. C. Strickland: Have you any ideas?

The Hon. A. F. GRIFFITH: Upon what?

The Hon. H. C. Strickland: A solution.

The Hon. A. F. GRIFFITH: Yes, I have put forward one idea, namely, that between the period December, 1953, and December, 1958, something could have been done to give the people more finality in regard to what is likely to happen.

The Hon. F. R. H. Lavery: They want more information.

The Hon. A. F. GRIFFITH: I think they do. We cannot get anything definite yet, even about the marshalling yards. We passed a Bill last year. The Minister for Railways was endeavouring to be helpful to the people on whose behalf I complained, but we are still unable to get a definite basis as to who is in the area, who is out of it, or whose land is going to be taken.

The Hon. H. C. Strickland: We can tell you that.

The Hon. A. F. GRIFFITH: I suggest that the Minister do so, because these people will then know where they stand.

The Hon. H. C. Strickland: It is definite so far as the railway is concerned, but what is your solution to the rest?

The Hon. A. F. GRIFFITH: If I might say so, it is like the Minister's temerity to ask me what my solution is. He is a Minister of the Crown, and it is his Government that is in office. The Minister has been here for six years and, because his Government has done so little, he asks me, as a private member, what my solution is. I will have some private conversation with him later but, in the meantime, I would ask him to get on with the job.

The Hon. H. C. Strickland: What would the hon. member do?

The Hon. A. F. GRIFFITH: It is difficult in the circumstances to oppose a Bill of this nature. One cannot say, "I oppose this Bill," because the effect of opposing it and destroying it, and not allowing the interim town planning order to go on for another 12 months, would mean that we would take away the snap freeze so far as the people's land is concerned—and that might make a lot of them happy—but there could be attendant dangers to the non-implementation of the plan.

The Hon. H. C. Strickland: It would make as many unhappy.

The Hon. A. F. GRIFFITH: I agree. I do not suggest I am going to oppose the Bill, but so far as I am concerned, this state of affairs cannot continue, and it should not continue. I do not know what will be the situation next year. The Minister may have moved up one, or be still here, but whatever the Government does, and whoever is in charge of this department, the Government should know that it is of vital importance to the people that the job be got on with—if I might use that expression—so that the people might know where they are going.

I would like to make some reference to Clause 4 of the Bill. I asked for an explanation as to why it was necessary to include this clause. It reads as follows:—

> (4) (a) Where a town planning scheme has been prepared, approved and published in accordance with the provisions of subsection (2) of this section and where any Crown land the subject of the town planning scheme has been sold, leased, or disposed of, the Board, with the approval of the Minister—
>
> (i) may suspend, vary, supplement etc. . . . .

Then on page 3 of the Bill we find—

> (b) Where the Board exercises a power conferred on the Board by the provisions of paragraph (a)—

the one I have just read—

> —of this subsection and as a result of the exercise of that power a town planning scheme is amended the Minister shall cause notice of the amendment to the scheme to be published in the Gazette.

What a fine state of affairs that will be! A board—a local authority—may have a town planning scheme prepared, and the Town Planning Board—the authority under this Act—decides, in its wisdom, that it is going to vary that scheme. So, it could be, that the only notification the local authority gets of the variation is a notification in the "Government Gazette." Surely to goodness the Government is not going to ask this House to accept a proposition of that nature! I think we are entitled to an explanation—a total explanation—of the necessity for a town planning board at this stage to have the power conferred by that provision; we should be told of the necessity for having that provision in the Act.

There are certain things in connection with this legislation that Parliament, and the people, are entitled to know at this stage of the proceedings. We are entitled to know when the regional plan will be ready, and when it will be prepared to such a stage that everybody will see it, and find out their position definitely in connection with the ownership of their land.

The Government should tell us in some detail the method that is to be employed to pay for this scheme. There was a suggestion last year of a Bill being introduced, to indicate how it was to be paid for. While talking about payment, the Government should give us some idea as to the basis for the payments. What parts of the plan will be paid for from normal developmental loan funds; and what parts will be paid for from other sources, or by other processes? While considering these points, I am sure the Government will appreciate that there are such things as major marshalling yards. When I questioned the Minister on the Welshpool marshalling yards, and asked him where the money was coming from, I think he said it would come from loan funds. I am not sure whether the amount of allocation that the Government might be obliged to make from loan funds would not make such a hole in the total Budget that some other section of Government planning might not be affected; that is, if the total amount were given to this scheme.

There is also the question of new railways, major roads and major public space, which often can only be secured by land being resumed and declared as an open public space. So, I think it is about time the Government told us something of the planning fund. I would like to know whether it is intended to raise a tax on land, because, if it is, then, I venture to suggest, it is the poor old landowner who seems to pay the piper all the time. Whilst the landowner might pay the piper, the benefits that will arise from a town planning scheme of a nature such as is envisaged will, in many cases, be of benefit to all the people. Therefore, we may find that those who pay the piper, because they are landowners—if it was intended to base the tax on ownership of land—are often footing the bill for those who do not own any land at all. A man who lives in a private hotel, or in a boarding house or flat, or in conditions other than those of personal ownership of land, may find himself deriving greater benefit than the man who owns land and pays tax in respect of it.

The Hon. H. C. Strickland: He pays via rent

The Hon. A. F. GRIFFITH: The Minister says he pays rent.

The Hon. H. C. Strickland: Pays via the rent.

The Hon. A. F. GRIFFITH: Perhaps the Minister, when replying, will be able to say more about that. If he considers these men pay via the rent, how is the allocation coming into this fund, because whilst he might pay it by rent—

The Hon. H. C. Strickland: Which fund?

The Hon. A. F. GRIFFITH: Any town planning development fund, which one of these days will have to be created.

The Hon. H. C. Strickland: I do not know of any.

The Hon. A. F. GRIFFITH: I do not know either, but I hope to get some information from the Minister.

The Hon. H. C. Strickland: You seem to know a little bit.

The Hon. A. F. GRIFFITH: In conclusion, I think the Government when asking Parliament to extend this interim planning development order for another year, should tell us a little more of its intentions in this regard. The Government should tell us, and tell the people, so that they will know what their future is going to be. I would inform the Minister that for years now, throughout the province I represent, there has been a constant inquiry in letter form, telephone form and personal application to me, concerning the ownership of land, and the people's desire to do something with their land, about which they can do nothing without referring the matter to the town planning authority.

The Hon. F. R. H. Lavery: That occurs in my province, also.

The Hon. A. F. GRIFFITH: I am pleased to know that the hon. Mr. Lavery shares my view in this matter.

The Hon. F. R. H. Lavery: I am supporting the Bill.

The Hon. A. F. GRIFFITH: I am not beating the drum about this; I am making a genuine appeal to the Government to try and bring this matter to a position where people will be brought more into the confidence of the Government. I also appeal to the Government to try and define some direct policy as to where it is going; and I hope that whatever happens next year, we do not find ourselves in the position of having to consider legislation to extend the town planning development interim order for another 12 months.

THE HON. H. K. WATSON (Metropolitan) [5.48]: Without repeating what has been said, I support and endorse the general criticism by the hon. Dr. Hislop and the hon. Mr. Griffith in regard to the continued renewal of the interim development order, and the failure to produce a finalised plan for the endorsement of Parliament.

I agree entirely with the hon. Mr. Griffith that it is not fair to the community to keep people in a state of perpetual suspense. Some of us are not affected by this development order, but there are large sections of the community such as house-owners and poultry-farmers who for, three, four and five years, have been kept in a state of suspense by not knowing what they can or cannot do with their land. I say it is not fair.

Half the Bill is taken up with correcting what appears to have been an oversight in the Town Planning Development Act which was passed last year. This serves to emphasise the danger and futility of dealing with a Bill in the closing hours on the last day of a session. This applied to the Act of 1957. If I remember rightly, it was dealt with at 2 a.m. on the last day of the session; and it was brought down to prevent the circumvention of the law with respect to subdivisions.

The existing provisions of the law with respect to subdivisions are that one must put in roads and obtain separate titles which have to be given to buyers. I hope the Minister is listening to this particular point. One has to subdivide and get a title.

The Hon. G. Bennetts: If you are lucky.

The Hon. H. K. WATSON: No; one gets a title to each block. Last year it was pointed out that a company had a large area of land and was not putting in roads. Therefore, it did not have a subdivision, but was selling sections on what, in theory, was a lease. The Government brought down a Bill which Parliament passed last year to provide that owners of land, in cases of that nature, could not grant a lease for what was in fact a sale, without the approval of the Town Planning Board. However, on that occasion Parliament made it clear—and I want to make it clear today—that it was never intended that the ordinary person carrying on his ordinary business of leasing a part of his property, whether in the city, in the suburbs or in the country, should have to get his lease approved by the Town Planning Board.

It would be just too silly if, in order to prevent the circumvention of the law by one individual in one direction, we are going to put the whole community to inconvenience. I feel that the latter portion of the Bill, which deals with this particular point, is still not sufficiently comprehensive; and I would like the Minister to confer with his advisers firstly on the point raised by the hon. Dr. Hislop as to whether the mischief, which is sought to be remedied in the Act of last year, could not be overcome simply by saying that the

proviso added to Section 20 by the Act of last year applies only to leases up to a term not exceeding 10 years.

Alternatively, it seems to me that the provisions of this Bill want extending. At the moment, it appears that one does not have to get consent if the lease is for a part of a house or building or structure. However, I would ask the Minister to consider this provision in the Bill, because it still means that a farmer, with 5,000 acres in one title, has to go to the Town Planning Board if he wants to lease 1,000 acres. That should not be. Similarly, an industrial area like Welshpool, Melville or any other place, which contains, say, five acres upon which there are several buildings, and one of these buildings is let, is not covered under this provision; yet it ought to be.

Similarly, in the country the owner of a shop with a vacant block next door should be able to let the vacant block for parking, or anything at all, without having to go to the Town Planning Board for approval. Therefore, before this Bill goes into Committee I ask the Minister to discuss these points with the town planning authorities to see whether they can meet the objections I have raised.

I raise no objection at all to the principle of defeating the "subdivisional experts" by trying to improve the Act and remove its weaknesses in that direction, but I appeal to the Minister to see that we do not put ordinary people to the trouble and expense of having to go to the Town Planning Board every time they grant a simple business lease. Subject to these remarks, I support the second reading of the Bill.

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

WORKERS' COMPENSATION ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 6th November.

THE HON. J. G. HISLOP (Metropolitan) [5.55]: This is a Bill of great interest and one which should be studied carefully by every member of the House, because it introduces an entirely new principle into the Workers' Compensation Act. The change is such a major one that I very much doubt whether it should be made without a full inquiry into the suggested alteration, and the extent of the activities that will follow it. I say this because it will entail a great cost—not that the cost should be a main factor, but at least it should be known.

It is doubtful also whether the Bill is even what might be called an insurable Bill, because there is now practically no limit, and no known risk in a great number of the clauses of the measure. The result is that if one desires to feel with some degree of assurance that the Bill will function, it is necessary to look at every clause and see just exactly what each one means in relation to change.

In all previous years when a measure of this sort has been introduced, it has been customary for the injured worker to receive a certain amount of the increase which has been decided upon as a result of the introduction of the measure. But, so far as I can remember, the changes have been brought in by proclamation, so that there has been some time for the adjustment of affairs in relation to the old Act. However, in this Bill there is no question of proclamation and the measure would function automatically on assent. Therefore, a company in the process of finalising an accident claim, but which had not actually paid the money, would have no time to readjust its affairs, but would be liable for the increase according to the Act.

An employee is given an exemption under certain conditions. In the main, they are very like those in the previous Act; but from my reading of Clause 2 (b)—and I intend to go through each clause, because having made a careful study of this Bill I think I might be able to give hon. members some information as to what each clause means by way of change—I would say that not only is the employer liable for increased weekly payment, but also is liable for increased total amount of payment or even of lump sum payment. So that in itself is a change from the original wording of the Act.

The Hon. G. Bennetts: Increased to £3,000.

The Hon. J. G. HISLOP: Yes. He would receive not only increased weekly payments but also the total amount of the claim, if it were a major claim.

Then we find another change. On page 3 of the Bill, in line 23, we see that the word "male" is to be added before the word "basic" in relation to wage. This means that the proportion of increase in relation to the basic wage would not be in relation to the male basic wage for the male, and the female basic wage for the female, but in that proportion to the male rise for all concerned; and I believe that that is what is intended.

Section 5 of the principal Act is being amended, and this amendment alters the whole Act to one providing a social security service. It means that the term "personal injury by accident" no longer exists, as it has been changed to "personal injury." It is interesting to read the interpretation of "injury" which reads—

> "Injury" mean personal injury arising out of—

and then follow the controversial words—

> —or in the course of employment and includes a disease which is contracted by the worker in the course of his employment whether at or away from

his place of employment and to which the employment was a contributing factor.

From inquiries I made, I ascertained that it has even been suggested that an individual in a low state of health, who had been working on shift work or doing work which was thought to be heavier than he was justified in doing, could claim that he had developed tuberculosis as a result of his work and could claim compensation, despite the fact that he could not prove he had acquired the disease at work.

An hon. member: He is covered under Commonweatlh legislation.

The Hon. J. G. HISLOP: Yes; he is. But if hon. members will read further, they will find that this measure gives an individual the right to apply under civil action or under this Act itself. Having read the proposed amendment in connection with the Third Schedule to the principal Act in relation to communicable diseases I am not at all certain that, where an individual suddenly finds himself developing measles during an epidemic period, whilst at work, he could not—if he could prove that there was another case of measles present in the employment—claim workers' compensation. The extent to which this word "injury" is used is so elastic that it becomes impossible really to define what the future of this measure could be, unless we limit the term "disease" to a sheduled list of diseases.

It is possible, for instance, that a widow could claim that her husband, dying of a heart disease at home, received such personal injury through the type of work he had done over a long period; and if he had been subject to hard work and had developed thickened arteries, then the claim would be that his condition was the result of a continuance of that hard work, without there having been any previous accident; and the result would be that the widow would be entitled to £3,000. I feel that this clause, as worded, gives the individual almost a form of life insurance of £3,000.

The words which I previously said were controversial were "or in the case of employment" and the words "and to which the employment was a contributing factor". I do not want to weary the House at great length with all the details, but this provision could come into the field of the case which was decided by the Privy Council in relation to Victoria, where a man developed a heart attack whilst travelling in the train. But that, of course, would apply only where the "to and from" clause was included in the Act, and would not apply here. But it does leave the situation open for any such event which occurs in the course of employment. Therefore the legal interpretation of this definition of "injury" will eventually take as long to solve as has the interpretation of the word "accident".

Hon. members might be interested to know that in the law journals, at least three or four closely printed pages are required to define whether a man's condition is the result of an accident. I believe that the same difficulty will arise in connection with a personal "injury."

I am not going to go very deeply into the question of the definition of "worker," because I think that has already been done earlier in the session. But when it becomes necessary to decide who is to be compensable, as it were, as the result of this clause, considerable discussion will ensue. I feel that much of this Bill has been prepared without any real thought as to what the various changes will bring about, and it is my idea that a great deal more time will be needed by all of us to decide what the effect upon the general community will be.

We next come to the question of the "prescribed period" and we find that this is now three years; so that a worker—so far as I can gather—will be able to receive workers' compensation over that period. If, then, at the end of that time, or at a later date, a judge—on application being made to him—decided that the period might be extended, the worker could have the benefit of that period of time before any appeal could be made.

The Hon. E. M. Heenan: Have you read that it applies to silicosis?

The Hon. J. G. HISLOP: I have read that it applies to silicosis, and it applies to other things as well.

The Hon. E. M. Heenan: No.

The Hon. J. G. HISLOP: I will deal with silicosis afterwards, because that is probably the worst clause in the Bill. But let us take the whole period of time, and realise that as so many implications could arise, the matter should be looked into.

With regard to the question of silicosis, I have been talking "silicosis" here for a long time; and have suggested that the individual is badly treated with regard to this disease, and that the term "pulmonary disability" should be adopted. But no suggestion of pulmonary disability has been expressed in this measure and we have an extraordinary passage which I do not think it is possible to understand. It reads—

> Where after the coming into operation of the Workers' Compensation Act Amendment Act, 1958, a worker is suffering from silicosis, pneumoconiosis, or miner's phthisis, and thereby disabled from earning full wages, or the death of a worker is caused by one or more of those diseases, and where the worker was not employed

at any time within three years previous to the date of the disablement or death.

So that the worker who dies, apparently is not liable for compensation—or rather, his relatives are not—unless he had not been working for three years prior to his death.

I think there has been an error in drafting in regard to this passage. I have tried looking at it from all angles, but I am satisfied that the provision is not workable. I know what is intended; and that is, that the individual shall have a much longer time in which to apply for this silicosis compensation. But this clause does not provide that. It provides that should he have had silicosis, having been notified and accepted as such, and been working within the three years of his death, his relatives would not be eligible for compensation. If hon. members read the Bill I am sure they will see that that would be the position.

As a matter of fact, one could spend hours and hours on this Bill, because it is an extremely difficult one in regard to its implications. On page 5 of the Bill, we find the following:—

> (b) (i) Notwithstanding any other provision of this Act to the contrary, where a worker on an application to the board proves that he is suffering from an injury and where the worker, in the opinion of the board, as a consequence of the injury is
>
> totally and permanently incapacitated, or
>
> partially and permanently incapacitated to a major degree;
>
> the board may order the employer to make and continue to make weekly payments to the worker although the payments exceed in total the appropriate total liability of the employer in respect of weekly payments provided in the First Schedule.

This could be interpreted as providing a pension for the totally and permanently incapacitated or the partially and permanently incapacitated worker, with the result that this board would be paying from State funds and relieving the Commonwealth of pensions payments.

I have felt for a long time, and have said so, that some agreement should be reached between the State and the Commonwealth as to the application of Commonwealth pensions in relation to workers' compensation Acts in this State; and until that is done, I cannot see that the stage will be reached of providing what amounts to a pension for an injured worker, and our own people will be fined, as it were, the total amount of the Commonwealth pension.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. J. G. HISLOP: Before tea I was pointing out that under Clause 4 it would appear that the totally and permanently incapacitated worker, or the permanently partially incapacitated worker would be able to obtain a pension so long as the board thought it necessary. In the case of the permanently and totally incapacitated man, I would think it was a permanent pension; and I take it that "permanent partial incapacity" means "permanently partially incapacitated." I do not know what "partially and permanently" means.

I think "permanent partial incapacity" would mean that a man was prevented from earning until he could find an occupation that would fit his needs. I believe that under the Bill he is still entitled to a pension, because a later clause removes the 66⅔ difference between the earning capacity and the wages paid; and the worker is therefore entitled, so far as I can gather, to the whole lot.

If this permanently and partially incapacitated man got a job which he could do, at a lesser wage, I take it he would be entitled to a pension which would bring him up nearly to his pre-accident or pre-injury wage. Provided that the Bill regards the earning capacity as the basic wage, that would be so. But I am not certain that it does; and there is doubt as to whether an individual working in a mine, perhaps on piece-work and earning a considerable sum of money, who was injured and then found himself only able to earn the basic wage, would receive the difference between the two earnings. The Bill will, I believe, take a tremendous amount of understanding by all concerned.

I will refer later, in general terms, to some of the conditions contained in the measure, and will give an idea of how I think we should deal with it. One clause seeks to repeal Section 11 of the principal Act, which at present limits the amount a worker can receive by way of payment for partial incapacity, to a sum which bears the same proportion to £2,400 as his degree of permanent partial incapacity bears to permanent total incapacity. In a recent case the board held that the phrase "permanent partial incapacity" means permanent partial incapacity to earn, and not permanent partial physical incapacity. In other words, for the purposes of the section the worker's partial incapacity is to be determined by the extent to which the accident has reduced his earning power, and not by a percentage estimate of his degree of physical incapacity.

The board has already introduced this new aspect, and in the past there has always been a considerable doubt on the part of the medical profession as to whether a man regarded as having a 50 per cent. disability in one arm was 50 per cent. disabled. It did not seem to fit

in; and in many cases the individual was incapacitated to a greater degree than he was incapacitated per limb as it were, or per general health.

In many instances the board found that the worker's incapacity to earn was greater than the degree of physical incapacity assessed by the doctors; and accordingly that section has, by the board's interpretation, been extended, and it has been made more difficult to assess the lump sum which should be paid to the permanently partially incapacitated worker.

The repeal of Section 11 would make it still more difficult to decide on a payment for anyone coming under that section; and, all through, there seems to arise the greatest difficulty in assessing for any of these permanent total or even permanent partial injuries. There are one or two clauses in the Bill which clear up the English of the original Act; and which help to make certain situations more lucid; but, in the main, they simply make the whole measure more confounding to everybody who tries to guess what it means.

There is an interesting part in Clause 18, where Clause 1 of the First Schedule is sought to be amended by adding after the word "from" the words "or is materially contributed to by". If we look at the schedule we find that in the old Act it commences by saying, "The amount of compensation under this Act shall, where death results from the injury . . ." and so on. The new Act would read, "Where death results from or is materially contributed to by the injury."

I referred earlier to the question of a heart failure, in which the individual can claim that it was due to the continuance of work having an influence on his circulation; but I am certain that the addition of those words "materially contributed to by" would prevent all the cases which have occurred in the past, such as where men died suddenly after some minor stress or strain. As an example, I would mention the old case of the man whose dependants were granted compensation after he died of a ruptured aorta which occurred when he turned a screw, which was an unaccustomed task for him.

That instance has gone down through all the cases; and if a man is employed, even though it is known that his heart condition is very poor and he has some extra strain, his dependants are very likely to receive full compensation. I am certain that whoever put these words into the Bill did not visualise that it would put a complete end to cases of that sort; because one could not by any stretch of imagination say that the turning of the screw materially contributed to the man's death. I have been in the witness box time after time when members of the legal profession have asked the question, "Did it contribute in the slightest degree to the man's death?" and when one had to answer, "Yes;" but under the proposed amendment, in such cases one could say, "No."

I do not believe that the individual who placed this wording in the Bill thought he was achieving the result I have mentioned. I think he believed that he was making it much more simple for the worker or his dependants to claim that the work had caused injury or death; and I believe that if it came to a question of law my opinion would hold. I query whether this Bill has been drawn up with a full understanding by the persons concerned as to what would be the result of the changes requested.

There is another clause, which seeks to remove all the limits from medical and hospital benefits. A few years ago I attempted to have placed in this legislation an amendment to permit of hospital charges rising above those named in the Act, but leaving the medical fees still limited. I think that measure passed this House and was rejected in another place. There is no doubt that there are cases in which the individual, as the result of serious injury, stays sufficiently long in a hospital to run up an account well beyond the amount laid down in the Act. In these days it does not take long to run up a hospital bill of £150, with theatre fees, dressings and the like. It would only take about six weeks in hospital to run up a bill in excess of £150 in certain cases.

The Hon. G. Bennetts: It does not take long to involve £100 for medical attention, either.

The Hon. J. G. HISLOP: Let us forget that for the moment. In the old days—as I pointed out—when the late Mr. Ben Chifley was Prime Minister, the hospitals were all free and the injured worker could be sent to the Royal Perth Hospital, where he was looked after by the honorary staff in an honorary capacity. As I say, the hospital made no charge; but for the past few years the position has been different; and the individual, even if transferred to the Royal Perth Hospital, has met a bill for hospital charges, although not for medical charges.

I am not very worried that the members of the medical profession lose so much for the honorary work that they do, but it does bear severely on one section of the profession; and here I refer to the bone and joint specialists who deal with the majority of the more seriously injured cases. I believe there should be provision that in certain cases the board should have the right to increase the hospital fees. A provision should be laid down whereby they could increase the medical fees; but I believe that a blanket cover of this sort would lead to unscrupulous action on the part of those few who exist in every trade and profession.

This measure should provide a great deal of cover of that nature. One of the interesting features of the Bill is that it provides that the board shall decide these conditions when disagreement is reached. According to the Bill, the board apparently will sit in an informal manner whereas, if these charges are to be raised a direct application should be made to the board, by one party or the other, and its decision should be final. In this matter, however, when the parties reach disagreement, the board shall decide. This does not mean very much, but I think it wants tightening up.

Clause 20 represents a laudable attempt to do something which should be done in a different way. From time to time I have tried to suggest that some form of rehabilitation centre is required for injured workers. I can remember Dr. Tomlinson giving a demonstration, not only publicly but also before the members of the Rotary Club, on the question of rehabilitation, and the matter was discussed by a committee appointed by the Minister. Curiously, when I submitted certain suggestions to this committee it was dissolved and did not meet again. I wondered in what way my suggestions were not acceptable.

It is realised that, out of this fund, there must be set aside some money to form a rehabilitiation centre to which injured workers can be sent. I believe that one of the best ways to tackle this position medically is to have a ward set apart for injured workers so that equipment can be reserved and organisation put in train immediately for the rehabilitation of these men from the day of the accident or, in some cases, from the day of admission to hospital, so that, rather than leave the rehabilitation as a long-term plan after a worker has left hospital, where he has spent many weeks totally unocccupied, his rehabilitation could start on the day following his injury. However, Clause 20 will not achieve that. It reads as follows:—

> Where a worker . . . . . is unable to obtain employment or . . . . his employer has failed to obtain employment for him; . . . . . the board may order that the worker be deemed to be totally and permanently incapacitated for work . . . . .

Such a provision will not help the worker to rehabilitate himself; he will feel that he is merely put on a pension because he cannot find work. That will not attend to the needs of the injured worker or assist in his recovery.

I am not at all certain whether this paragraph is not completely useless because, in order to be granted this amount under the Bill as printed, the board has to order that the worker is deemed to be totally and permanently incapacitated. He can be totally incapacitated while searching for a job, but the board has to declare him totally and permanently incapacitated. So, the drafting of that clause leaves some doubt as to its merit; and so we go on.

One day I would like to be given the opportunity to draft a workers' compensation Bill. I think I could draft one that would give some justice to the injured worker. I want hon. members to look at the way it is proposed to alter the Second Schedule in those items where lump sum payments are to be made to injured workers. Clause 23, reads—

> Partial loss of the sight of one eye.

The Hon. J. M. A. Cunningham: What page are you on?

The Hon. J. G. HISLOP: Page 23. Item No. 60 has been increased to £1,200. That reads as follows:—

> Partial loss of the sight of one eye. Such percentage of £960 as is equal to the diminution of sight measured without the aid of correcting lens.

Some years ago I put up to this House a plan drawn by specialists which proposed to give to men who had suffered partial loss of sight, adequate compensation according to the degree of loss of sight.

Obviously, if we are to provide anything that is reasonable, compensation should be granted according to the use of the lens for correcting the loss of sight. But to give compensation only for the loss of corrected sight does not seem reasonable, because many individuals have to wear glasses permanently. However, we have to take into account whether it is wise for such a person to be used in industry.

These suggestions were agreed to by this House, but when they went to another place they were rejected. Yet all that is contemplated in this scientific approach to workers' compensation is to increase the lump sum payments that are to be made to the injured workers. I cannot imagine for one moment that that is the correct answer to this problem. For instance, it is found that all the lump sum payments have been increased in much the same way.

I would like to move a motion in this House to request the incoming Government to appoint a Royal Commission to inquire into the provisions of the Workers' Compensation Act with a view to presenting a completely new piece of legislation to Parliament. I think it was last year that I suggested the title of this legislation should be altered to "Workers' Compensation and Insurance Act." We could not expect industry to carry a fund to provide payments for the injured workers, but I believe we could finance one on a contributory basis; if it were made as a start for the establishment of a national pension scheme.

At the time I worked out that if the employee paid 6d. a week, the employer paid 6d. per employee a week and the Government contributed a like amount it would amount to a sum of three times 26s. per

head per annum, which would work out to a considerable figure when spread over all industry. I think there are about 180,000 workers in this State, and, as the amount would come to nearly £4 a head per annum, it would be a very large sum of money in the aggregate. Out of this fund pensions could be paid to injured workers who had become incapacitated. I cannot see that there is much merit in increasing the amount to be paid to a widow from £2,500 to £3,000. Neither amount is going to keep her or her family for the rest of her life. The only benefit she could obtain would be for some arrangement to be made between the State and Commonwealth Governments so that her pension under the social service legislation would not be affected. If approached on a proper basis, this could be achieved.

Personally, I would look at all the payments under the Second Schedule in the light of loss of earning capacity. I would even attempt to pay a pension to a seriously injured worker who had become incapacitated, and nothing to a worker who had lost, say, a finger, or a joint which did not lessen his earning capacity. I would then pay this money out to the worker when it was most needed. Also, I would take the seriously injured worker out of the workers' compensation field and class him as being in the insurance field so that his widow and his children would receive a pension which would be adequate to meet their needs and which pension would be contributed to by both the State and the Commonwealth Governments. I would ensure that no child of a deceased worker would be deprived of what he would have had if his father had been living and had not given his life in the service of the State. I would say to the injured worker, "We will pay you on the same basis as the soldier who receives a pension for any disfigurement or incapacity due to war service, in order that your income may be brought up to the same amount as you received before you were incapacitated."

There must be some approach made to the human problem by all parties contributing to a fund. If the worker and the employer contributed to a fund, this would enable a pension to be paid to the seriously injured worker, and he could be adequately represented on the board. We could then take this legislation out of the realm of politics and prevent a Bill similar to this being brought down year after year asking for a bit more to be added to the compensation payments; and with one side refusing to agree to the amendments because it felt they could not be met by industry.

If we adopted that attitude towards workers' compensation legislation we would lead Australia as we have done before, and we would do justice to the severely injured person, which the Workers' Compensation Act has never done. This legislation has provided for compensation to be paid to a worker who has suffered minor injuries in industry, but it has never looked after the worker who has been seriously injured. I hope that the incoming Government will regard it as a charge to look carefully into this matter of workers' compensation, because, at present, we are moving in the wrong direction; and there is a right direction to be taken.

THE HON. J. J. GARRIGAN (South-East) [7.59]: In view of the fact that I represent the goldmining industry in this State in which, I suppose, more accidents occur than in any other industry, I wish to say a few words in support of the Bill, which proposes to increase the maximum payments that are to be made under the Second Schedule of the Act.

As a result, the hospital and medical expenses often exceed considerably the maximum amounts now allowed under the Act; that is, £100 for medical and £150 for hospital expenses. The worker is legally bound to pay the balance between the amounts of £100 and £150, respectively, and the total amount of his expenses.

It cannot be argued that any employee who meets with an accident in the course of his employment, and who is thereby incapacitated for a long period, should be bound to pay part of his hospital or medical expenses.

There are a couple of matters which I wish to relate concerning very serious accidents in the goldmining industry. Recently a young man left the metropolitan area to work on the Goldfields. He has four children. He worked underground for one month approximately, before he was blown up with the loss of one eye, and with a broken leg and a broken arm. His maximum medical and hospital expenses were used up long ago, and he is now legally bound to pay £300 for medical and hospital expenses.

Another case occurred in Bullfinch where a worker injured his back when he fell down a winze. His medical and hospital expenses will run to £300. Another worker on the surface, who fell and broke his hip, has had to receive treatment at the hospital on the Goldfields for 12 months. He is at present in Perth for a bone graft. His expenses could easily amount to £500. These are some of the serious cases which have occurred in the goldmining industry.

We are at present faced with the same old argument, which has been presented from year to year, relating to the "to and from" clause. At present the worker is not protected at all from the time he leaves home until he reaches work; or from the time he leaves work until he reaches home. I attended a function in Kalgoorlie yesterday at which 250 staff

men were present at a send-off to one of the important mining personages. Those 250 men would be protected in this respect, because they happen to be on the staff working for certain mines. Yet there may be 1,000 men working underground and on the surface, in the same mines, and they would not be covered if they fell off their bicycle or motorcar when going to or from work. This is a matter which has come before the House each year, but the workers do not seem to get any more.

I contend that on the Goldfields, the medical and hospital expenses, referred to by the hon. Dr. Hislop, should be given consideration, and the limits should be revised. This is one of the worst features in the Act. I shall not delay the House any longer, except to say that I support the Bill.

THE HON. A. R. JONES (Midland) [8.5]: I do not propose to say much on this measure. I listened intently to the introduction, and to the remarks of the hon. Dr. Hislop. He appears to have outlined my views, because he has made a particular study of the Act, and has expressed the proper approach. In the first place, the object of workers' compensation was to relieve an injured worker, or a worker who became ill, of anxiety, and to compensate him for his loss. It seems that this legislation has gone from one stage to another, until at the moment it is losing sight of those aims.

As the hon. Dr. Hislop rightly pointed out, the legislation does not make sufficient provision for the totally incapacitated worker, or for the widow of a deceased worker. I agree that if a worker is killed in the course of his duties, or dies as a result of conditions of work, the widow should receive the amount of £2,500 or £3,000. I agree, too, that if that worker has children—whether it be one child or five—the amount is inadequate for the bringing up of the family and for the education of the children. The approach outlined by the hon. Dr. Hislop is one to which we should give serious consideration, because if a misfortune should befall the worker, it would be gratifying to him or his widow to know that his family was provided for.

The Hon. E. M. Heenan: What exactly did he propose?

The Hon. A. R. JONES: That the whole of the workers' compensation legislation should be revised.

The Hon. E. M. Heenan: I was talking about the provision for widows and children.

The Hon. A. R. JONES: If I understood the suggestion correctly, the hon. Dr. Hislop proposed that the premiums for coverage should be contributed by the insurer, the insured and the Government. A very small contribution by the worker would entitle him to many more benefits than he is receiving at present.

It is well known that many workers, not only wage earners but also those on contract or piece work, do not insure themselves. To my mind that is a bad feature. Any man with a growing family should have insurance coverage other than workers' compensation. The latter is totally inadequate; and that has been proved on many occasions.

If this whole legislation is overhauled, and some means is arrived at whereby the worker would contribute something to a fund, then far more could be done for him and his family, when he is incapacitated or dies as a result of his work. That would be much more equitable, and he would be covered irrespective of the time of the day, or whether he was going to or returning from work; provided he bore some of the extra premium.

All in all, I have no hesitation in saying that I agree entirely with workers' compensation. I contend that two or three clauses in the Bill before us need to be examined carefully, because not enough is being done for the injured worker and his family. The measure, in its present form, should be rejected. If it is, I hope that a committee will be appointed to go into this matter and to submit a completely new piece of legislation, giving more emphasis to the details and benefits outlined by the hon. Dr. Hislop. By so doing, we would be performing a great service to the workers, to the community and to industry in this State.

I oppose the Bill in its present form, in the hope that if it is defeated, the incoming Government will take heed of my belief in this matter, and of the proposition outlined by the hon. Dr. Hislop.

THE HON. R. F. HUTCHISON (Suburban) [8.10]: I wish to add my contribution to this Bill. As the years go by, I hear arguments put up by hon. members of the Opposition when they are preparing for the defeat of this and similar Bills, and it amazes me to listen to some of the tactics and arguments put forward. Apparently it does not matter what argument is adduced in support of the Bill, it will not be accepted; hon. members are satisfied as long as the Bill is delayed and put off to a future date. What they do not tell us is when they will agree to improving the lot of the injured worker.

I say frankly, as I said before, that it is a duty of industry to provide sufficient compensation, regardless of the specious arguments put up by Opposition hon. members. It is a duty which industry owes to the worker. When the worker is injured or incapacitated, his family should be looked after, and sufficient compensation should be awarded to minimise the effect of the injury.

It amazes me to hear a medical practitioner in this House talking about what provisions the Bill should contain. He is a person who has handled many hundreds of workers' compensation cases. Invariably he has tried to delay the Bill, and has brought up the question of insurance coverage by the worker. Why should he expect a worker to insure himself? I say that is something which industry owes to the worker; to see that he is protected when he is injured in the course of giving his energy and ability to the cause of industry.

One of the clauses contains a provision to cover workers travelling to and from work. With the exception of South Australia, this is the only State in which the workers are not covered while travelling to and from work. That does not speak very well for Western Australia. If it is good enough for highly industrialised States like Victoria, New South Wales and Queensland, as well as the Commonwealth, to provide this cover, then it is time this State acknowledged the fact that there is great risk, with modern traffic, of injury to the worker when travelling to and from work. We still seem to be prepared to drag our feet and remain in the doldrums; we do not seem desirous of making any advances to our existing conditions. No-one could deny that we should advance, or that compensation to a worker injured while travelling to and from work is something which should be expected, because the workers are the ones who keep the wheels of industry going. It is about time we woke up in this State.

I ask hon. members how long they think people will be prepared to put up with the attitude of the Opposition in defeating every measure in this direction? We hear plenty about protection for enterprise and for companies; but the people who turn the wheels of industry seem to be of the least account. Some hon. members are ready to throw the workers aside when misfortune overtakes them.

One clause I am glad to see in the Bill—and I compliment the Government for having inserted it on this occasion—is the one providing cover for occupational disabilities which arise in the course of the worker's service in industry.

One such disability that I wish to refer to is boilermaker's deafness. The Act contains no provision to cover this disability; nor is there provision for total, bad disfigurement. I know men in the iron trades—particularly the boilermaking trade—who at 50, almost without exception, wear hearing aids. They are at a great disadvantage. They suffer this disability because of the industry in which they serve. This point should be recognised. There are many other disabilities, but, handicapped as I am tonight with my voice, I do not know that I will do any good by speaking at length. I am trying to make my remarks concise.

Many millions of words have been spoken on the subject in this Chamber, but they have had no effect on the Opposition members who evidently go deaf when it comes to listening to anything that is said in justice to the workers. The hospital expenses now provided are almost laughable because of their scantiness. I understand that in New South Wales and Victoria there is no limit to these expenses, but here they are limited. One knows how soon £150 mounts up in hospital expenses.

The clause to extend the period beyond three years, for a man suffering from silicosis, is urgently needed. I knew a man—he died last year—who could not get any compensation because when he did claim it, he found he was a week beyond the period allowed. He went from doctor to doctor, and eventually died in poor circumstances. No man, who has given his life to an industry, should be asked to suffer as he did. I think the hon. Dr. Hislop knew this man, too. He died not very far from my home; and I used to go and see him. I took the hon. Mr. Moir to see this man, and I said to Mr. Moir, "If ever you get the opportunity"—I little knew in those days he would be a Minister—"to put a provision into the Act to help in these cases, then do it." I am grateful that the hon gentleman has included it in this measure, because it is badly needed.

The other clauses, which follow more or less in an orderly manner, are just what we would like to have in the Act, as a matter of fairness to the workers of the State. I hope the day will come when we can pass a Bill commensurate with the effort that is made to bring measures of this nature into the House.

The clauses I have mentioned are the ones which matter most. Surely we do not have to be technical. Machines can be technical, but when it comes to dealing with human suffering, we surely do not have to be so technical, but can be a little human. We do not need always to have the scientific approach, as expressed by the hon. Dr. Hislop. In this instance there should not be a scientific approach, but a human approach. We urgently need to revise our attitude towards human suffering. The amount of suffering we impose on people, by the rejection in this House, of workers' compensation provisions, is considerable. Bills come here, and hon. members seem to decide not to consider them; so that consideration is never given to human needs.

I wholeheartedly support the measure, and I ask hon. members opposite, at least to give ear to the human side of matters, when it comes to dealing with human beings, and not to treat them like machines. Workers should be treated like men, and regarded with some dignity.

THE HON. G. BENNETTS (South-East) [8.21]: I support the Bill. Each year we have this important measure brought before us. Every time it is drafted, it is drafted in such a manner that it is difficult for individuals to understand it. If we went to six different lawyers, for advice on it, I guarantee we would get six different opinions. I once heard the hon. Mr. Watson deal with this point. If Bills were drafted into plain Australian language so that everyone could understand them, it would be much better.

The three-year period, in which persons suffering from silicosis could claim compensation for their disability, was mentioned by the hon. Mrs. Hutchison. I know of two of these cases. At present one of them is in Perth. This man came out of the mining industry, but as he did not make a claim until after the period of three years had expired, nothing could be done. A similar case occurred in the Salmon Gums area. We say that it is reasonable to extend the period beyond three years. I can instance another case; I mentioned this one when I spoke on the Supply Bill.

I now wish to deal with payments for hospital, medical and funeral expenses. The amount allowed under the Act is £100. At present, with the basic wage increase, the amount for medical expenses has gone up to £109 1s. 8d., and for hospital expenses it is £163 11s. 10d. The A.W.U.—for which I am speaking tonight—has many workers' compensation cases, and we say that by deleting certain words from the Act, the Workers' Compensation Board could decide whether a person, who is in receipt of medical and hospital benefits, should receive extra payments. That is only reasonable.

I have a friend who helped me last election. The morning after the election he went to work, and got buried in a stope. I would say that his medical and hospital fees would amount to well over the sum he is allowed. Therefore he has to pay the difference from the compensation he receives. We say that is not right. The hon. Dr. Hislop was sceptical about the next point I wish to raise. I say, however, that certain doctors exceed the limit. The board, I consider, would have an idea of those individuals, and would be able to control them.

I come now to the "to and from" clause. This provision operates with regard to one section of workers in Western Australia—those employed by the Commonwealth Railways. I do not know of one case yet of this nature where expenses have been incurred. The provisions of the section do not allow an employee to go home by any route he wishes. He has to continue on his same course, or travel in the same direction each day. If he deviates, and goes in another direction, or calls at a hotel, he cannot claim under the Act. Therefore, the provision is reasonable.

Another clause deals with hearing aids for deafness caused by noises in such industries as boilermaking. The diesel locomotives are having an ill effect on engine drivers. I have relations who drive diesel locomotives on the Commonwealth Railways, and these people are becoming very irritable because of the terrific hum from the diesels. Their nerves are being upset. There is justification for some alteration in the Workers' Compensation Act; and I am pleased to see the Government is trying to do something for the individual.

It looks, however, a 100 to 1 on as though the Bill will be defeated, because of the way Opposition members are opposing it. They are taking a lead from the hon. Dr. Hislop who, no doubt, is putting up a fight for industry. Perhaps, as the hon. doctor said, a Royal Commission might achieve something. I do not think that if we were to talk all night, we would do any good. So, I conclude by supporting the measure.

THE HON. J. D. TEAHAN (North-East) [8.29]: I wish to speak on at least one clause which covers persons who work in the industry where I live and whom, along with others, I represent. This is a matter about which the hon. Dr. Hislop has spoken on more than one occasion. He has spoken sympathetically and with a good knowledge of the subject. I refer to occupational diseases and, in particular, to the complaint from which the person, commonly known as the "dusted miner," suffers.

The Hon. J. G. Hislop: Are you happy with the clause in the Bill?

The Hon. J. D. TEAHAN: I am not happy with the existing provision, which states that the claim of a diseased miner must be made within three years. It is well known, by those who have lived and worked among miners and ex-miners, that the disease, unfortunately, does not show up to its fullest extent in that time; it shows up many years later.

I should know that this is so, because my father was a victim of the complaint. It affected him, but it took some years to take its toll. It became more severe as time went by. As gas, used during the first world war, never failed to affect the soldiers who came in contact with it, so it is with dust in the mines. The dust affects some miners worse than others, and more quickly than others. Because of it, ex-miners suffer torment and die a slow death, and, if the effects of the dust are not felt until more than three years after they leave the industry, the trouble is not compensable. The section in the Act covering that aspect badly wants amending, and the three-year period should be altered, as is proposed in the Bill.

As has been said by many hon. members, the allowance of £100 for medical expenses is insufficient, particularly with present-day money values. These days it does not

take long to run up a medical bill for £100. The same applies, but probably more so as the hon. Dr. Hislop said, in regard to hospital expenses. Hospitals which at one time charged about £5 to £7 a week, are now forced to charge something in the vicinity of £22 a week—and that is in the cheapest Government hospitals. So, with the inclusion of a few extras such as theatre fees, it does not take long to use up the £150 allowed—after five or six weeks in hospital that sum would have been expended. The worker, who is severely injured, and is in greatest need, is the one who is penalised most, because instead of being in hospital for only six weeks—by which time his hospital expenses would have been used up—he is in hospital for anything up to six months. It is obvious that the allowance for both hospital and medical expenses should be increased beyond the present maximum.

The "to and from" clause has been accepted in all States of Australia except South Australia and Western Australia. It has been recognised as something which should be accepted by industry. The Commonwealth authorities have accepted it, but up to date that provision has been rejected in this State. I am sure most of us would know several men who have been injured or killed on their way to work. I know one case which happened recently. A man was killed not far from the mine on his way to work. It was an accident and no-one was to blame, and, because of this, his widow was not entitled to any sort of compensation. It was left to friends of the deceased to gather together and do something to help the widow who suddenly had to take over the responsibilities of the breadwinner, and care for herself and her three dependent children.

I hope on this occasion hon. members will be more considerate, firstly in relation to the three-year limit for dusted miners, or those with occupational diseases; secondly in regard to an increase in the hospital and medical expenses; and thirdly with respect to the "to and from" clause. I support the Bill.

THE HON. L. A. LOGAN (Midland) [8.35]: It seems rather strange to me that the one hon. member in this House who has always taken an interest in workers' compensation, and who has always given a sympathetic hearing to any legislation in regard to it, and who has probably done more than any other hon. member to ensure that the worker got a fair deal, should be attacked because of the speech he made this evening. I refer to the hon. Dr. Hislop.

The Hon. J. D. Teahan: Who attacked him? I have not heard anyone attack him.

The Hon. L. A. LOGAN: The hon. Mrs. Hutchison attacked him.

The Hon. A. F. Griffith: She attacks everybody.

The Hon. L. A. LOGAN: It seems strange than an hon. member who has probably done more for the worker than any hon. member on the other side in regard to workers' compensation—

The Hon. R. F. Hutchison: We will see what he does with the Bill.

The Hon. L. A. LOGAN: What has that to do with it?

The Hon. J. G. Hislop: Mr. President, I refuse to take that, because I have already made my speech. If the hon. Mrs. Hutchison says that she will take my attitude as being what I do with the Bill, after what I have said, she is not sincere.

The PRESIDENT: The hon. Mr. Logan may proceed.

The Hon. L. A. LOGAN: It has been said by the hon. Mrs. Hutchison that apparently it is a foregone conclusion that we will oppose the Bill. Only two or three hon. members have spoken to it.

The Hon. E. M. Heenan: That is significant.

The Hon. L. A. LOGAN: Why is it? The Bill has been brought forward for discussion only this evening, so why anybody should jump to conclusions I do not know. But after hearing one or two of the remarks passed it has almost made me decide to vote against the Bill, despite the fact that I had practically made up my mind to support it. I still have an open mind, but I find that the Bill is not an easy one to understand. I have given it a fair amount of consideration, as is apparent by the markings I have made on the sides of the pages of my copy of the measure. I picked out almost exactly the same points as the hon. Dr. Hislop discussed.

It seems to me that we are getting away from the principle of workers' compensation and drifting more to social services. What are we going to have? Are we going to have workers' compensation applicable to this State, or are we going to have social services which are paid for by this State when they should be paid for by the Commonwealth? Surely we do not want to get into the field of social services. If we do, we are denying this State the right to have certain money which it should get from the Commonwealth for this purpose. The present State Government is always growling about not being given enough money by the Commonwealth; but if this legislation is passed we will be denying the people of this State the right to certain money, through the payment of social services, because we will be paying under our workers' compensation laws.

Let us take the "to and from" clause. If a worker takes out insurance under the medical health scheme to cover travelling to and from work—and after all it does

not cost a great amount each week—and he is injured, the payment becomes a charge on the Commonwealth. But if we accept the "to and from" principle under our workers' compensation legislation, and a worker is injured on his way to or from work, the cost becomes a charge on the State. So, let us decide which way we are going. I believe we should make the Commonwealth, and not the State, pay for injuries of that kind.

Let us take what is probably one of the main clauses in the Bill—that which alters the definition of "accident" to "injury." Just how far does that go? I do not think there would be any limit as to what the clause could mean if it were passed in its present form. As the hon. Dr. Hislop said, a worker could get any sort of illness, almost including measles, and would be able to receive workers' compensation for it. There again a worker can take out a policy under the medical health scheme and cover himself for such illnesses, which should come within the category of social services, and be paid for by the Commonwealth and not by the State through workers' compensation.

The Hon. R. F. Hutchison: The Commonwealth gets it.

The Hon. L. A. LOGAN: Yes, but the Commonwealth Government is paying for its own employees for their own benefit. In my opinion the State should not be forced to pay for something which should be paid for by the Commonwealth through social service benefits.

The Hon. R. F. Hutchison: There is a distinction without a difference.

The Hon. L. A. LOGAN: There is a lot of difference.

The PRESIDENT: I would not take any notice of interjections.

The Hon. L. A. LOGAN: This legislation needs a good deal of thought. The hon. Dr. Hislop also mentioned tuberculosis. If a worker contracts this dreadful disease, because of his place of employment, or even when travelling to and from work, in my opinion it is a Commonwealth responsibility. The Commonwealth has built a big chest hospital at Hollywood at a cost of £2,500,000. It was built especially to look after people suffering from tuberculosis. So, why should our workers' compensation benefits have to cover something which is a Commonwealth responsibility, and for which it is accepting responsibility by building a hospital, and so on?

The Hon. E. M. Heenan: You do not really think it is inherent in the Bill? Have you read it?

The Hon. L. A. LOGAN: If the hon. member could see all the notes I have made in regard to it, I think he would appreciate that I have read the Bill.

The Hon. E. M. Heenan: I think you are relying on what the hon. Dr. Hislop said.

The Hon. L. A. LOGAN: I have not discussed it with the hon. Dr. Hislop. I am quite capable of reading a Bill and studying it without reference to other people. I do not want other people to do my work for me, even if the hon. member does.

Then we come to the clause which would enable the board to continue payments to an employee, even though the total allowable sum had been expended. What is the good of having a limit when the board can turn around and increase that limit by further weekly payments? How can we assess the cost to industry, or anybody else, if there is no set figure? I think there must be a limit somewhere. It is not possible to work out the cost if there is no limit as to how much a worker can be paid.

I have already mentioned the "to and from" clause. As far as I am concerned, I do not care whether it is agreed to or not. But in that regard, I would prefer any compensation payable to be paid for by the Commonwealth and not by the State, or by any individuals in the State. I believe it is a Commonwealth responsibility under the Commonwealth social service legislation. There is one other important clause in the Bill which reads—

> Notwithstanding that the worker was, at the time when the injury was received, in a place not directly concerned with his employment, but forming part of the employer's premises, or acting in contravention of any statutory or other regulation applicable to his employment or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer . . .

Under that clause, a person working in a factory could leave the machine on which he was working and go down to the other end of the factory and talk to his cobber—that need have nothing to do with his employment, and he could be contravening the regulations laid down for the safe working in that shop—and if he were injured he would be entitled to workers' compensation. If we are going to lay down rules and regulations for the safety of employees, and we allow them to break those rules and get compensation for any injury which results, what is the good of having safety regulations? They are not worth two hoots. It seems to me that the Bill, all the way through, is a gimme, gimme, gimme to the worker, without any thought as to the ultimate results, or effect on the employer.

Only the other day I saw where Sir Hartley Shawcross, one of the greatest Labour men in England, said that by giving the people something for nothing continually we are beginning to rear a race of people that do not give any consideration to themselves whatever; they lose all sense of responsibility. He said

we could not go on giving someone something for nothing all the time, because, in doing so, we would breed a race of people who would not be worthy of the name.

The Hon. H. C. Strickland: Would you apply that generally?

The Hon. L. A. LOGAN: Mostly. I do not believe this provision should be in the Act at all. If a man breaks a safety regulation, and contravenes regulations that have been drafted for his safety he, not the employer, should accept the consequences. I may be wrong in my assumption but we could arrive at the stage where a person who was injured could be getting workers' compensation for almost three years; the employee could die of the injury and his wife or dependants could apply to the court within 12 months of his death. This would mean that after three years and 11 months the widow could apply to a civil court by way of a civil action.

If the court wished to extend to 12 months, the time for applying, it would mean that five years could elapse after the accident, and the dependants would still have the right to go to the court for a civil action.

The Hon. E. M. Heenan: Are you referring to the silicosis provision?

The Hon. L. A. LOGAN: I am referring to Clause 5 of the Bill with particular reference to paragraph (c) (ii). In the first place, after almost three years of workers' compensation the employee dies, and after another 11 months his dependants apply for an extension to the court. If the court grants an extension of a year, it means that after receiving compensation for almost five years, they still have the right to go to the court and take civil action. I may be wrong, but I do not think I am.

The Hon. J. G. Hislop: You are not.

The Hon. L. A. LOGAN: No, I do not think I am. Surely we must state a limit to the time that an employee or his dependants must take to decide whether they want workers' compensation, or the right to go to the civil court to take action. We should not let it go on for the period I have mentioned, because it is far too long. The employee cannot have it both ways. Let us have one or the other. The amendment to Section 8 of the Act only takes out limited liability. Under this Bill we not only increase the amount to be paid for total incapacity taken under the first and second schedules, but over and above the total payment, the Bill seeks to increase the amount on hospitals, and the extra amount on artificial limbs, and so on. If anyone can tell me what the total liability can be, I would be much obliged, because I certainly cannot work it out. I do not know whether the hon. Dr. Hislop has been able to do so.

I feel we are entitled to know what the total liability is likely to be. Any employer who takes out workers' compensation is entitled to know what the costs are going to be; the same is the case with any insurance company—it is entitled to know the liability it is likely to be up for. I do not think it will be found in the Bill. So far as this measure is concerned, and as far as I can see, the increase from 1951 to 1958 is in the region of 92 per cent. That is a lot of money and a big increase in seven years. It represents an increase over and above the increase in the basic wage of 71 per cent. We had a Select Committee in 1952 and 1953, and although the report was not a unanimous one, we did, at that stage, increase the amounts to what was considered a fair figure for all sides. Had the increases been made comparable with those in the basic wage, I would have supported them, because I think that would be just. But when we try to adjust the figures today to an increase of 71 per cent. over and above the basic wage, it is out of all proportion. So we should have another look at that.

It is all very well to print a Bill and say that we will increase the amount from £2,000 to £3,000, but what about fixing a standard on which to work? That would be far better. There are one or two other new features introduced in this Bill. One is to bring in, as a dependant, the child of a de facto union. I have no great worries about this. In modern society many men are living with de facto wives, and where there are issue from that mode of living, I feel they should be safeguarded, and it is only right that they should be classed as dependants. We cannot blame the child who, up to date, had not been classed as a dependant under the Act. I do not oppose that at all.

As I say, the Bill is not all bad, but some of its provisions are difficult to understand, and I do not know whether we will be able to draft the necessary amendments to amend it satisfactorily in the Committee stage; that is probably why some hon. members may have decided to oppose it. It would certainly take more than a day to draft amendments to bring it into the form in which I would like to see it. There is a further provision in the Bill which seems to imply that the employer can be the principal, the contractor, and, at the same, time the employee. That would take more than a Philadelphia lawyer to work out. If a man is an employer, or a contractor, or a principal of a firm, surely he is entitled to safeguard himself. He can do it himself. He does not need these provisions to help him.

The Hon. E. M. Heenan: It does not say that.

The Hon. L. A. LOGAN: I would refer the hon. member to Clause 3 of the Bill on page 4, with particular reference to subparagraph (b). If that does not mean he is a principal, a contractor, an employer and employee, I do not know what it does mean. It will be pretty hard to assess. I still reserve the right to wait for the explanation of the Minister, or that of some other hon. member, to enlighten me on this matter. If I am able to amend the Bill to bring it into line with my thinking, I will support it, if not, I will oppose it.

On motion by the Hon. F. J. S. Wise, debate adjourned.

WHEAT INDUSTRY STABILISATION BILL.

Second Reading.

Debate resumed from the 6th November.

THE HON. L. C. DIVER (Central) [8.58]: The facility with which this Bill is passing through the Legislatures of the respective States, and also the Federal Parliament, is remarkable. Though the provisions in the respective State Bills have not been exactly similar to those contained in the measure before the House, the portent of them has been substantially the same. The same is the case with the Bill that passed through the Federal Parliament.

My mind goes back many years—even before the information I have before me was recorded; and that starts at 1920—to the wheat-selling practice in the years prior to the advent of the first world war and, subsequently, to the second world war. In the first case, I can vividly remember agents at the various sidings meeting the farmers as they arrived with their teams and wagon loads of wheat, and offering them a price for that commodity.

There would be great excitement in the camp if one farmer received an advance of 1d. or 2d. more than his friends. That was the manner in which the farmer of those days sold his wheat. As a matter of fact, I would say that in those days there were more doctors' bills caused by anxiety over what a crop would fetch in the way of monetary return than there were through accidents caused in the operation of growing the crop.

We then reached the stage of the first world war when there was compulsory acquisition of wheat. Wheat was practically given away, and the growing of it was a heartbreaking proposition. However, at that time some orderliness was evident in the system of marketing. Consequently, on the cessation of hostilities, the co-operative movement of Western Australia, which had been functioning at that time for a few years, decided it would inaugurate a voluntary wheat pool. This did away with a considerable amount of gambling in the selling of a wheat crop, as you, Mr. President, are well aware. Many farmers availed themselves of this form of marketing, and others used it as a sort of safety feature. They marketed a percentage of their crop in that manner and sold the remainder on the open market.

We then reached the depression years, when the bottom fell out of the market. At this time there was much agitation for a form of orderly marketing, and suggestions were made to the Federal Government that it would be in the interests of the nation if the Commonwealth took over the whole of the wheat crop at a fixed price in order to stabilise the Australian economy. However, in those days that plea fell on deaf ears and, with the passage of time, we reached the middle 'thirties. If my memory serves me aright, the then Minister for Agriculture instituted an inquiry into the wheat industry and into the possibilities of an orderly marketing plan. I know he took a keen interest in an endeavour to induce a Commonwealth approach to this vexed question.

At this stage I will turn to the political side so far as the Country Party is concerned. By the middle 'thirties the Country Party, which had been formed originally as a free trade party, endeavoured to use its influence to sell wheat on world markets, in competition with imports from the other side of the world. However, what did it find? It found on the one hand it had the great Labour movement aligned in favour of protection On the other hand, it had the industrialists, who were in their early years, setting out to get the best possible protection they could from overseas imports. Consequently, while many of those who support the Liberal ideas today may not be willing to admit it, it was they, on the one hand, and the great Labour movement on the other, who forced farmers to realise there was only one alternative; and that was to join into one Commonwealth economy—an economy that would give the greatest protection to all.

As I said previously, it was in the 1930's that it dawned on the Country Party that it would have to join in a form of stabilisation to protect the wheat producer; and that brought about the position we have in the Bill before us this evening.

I have omitted the war period, because, during that time, wheat was marketed under a Commonwealth-wide pool, brought about by the necessities of war. It is worth noting that Western Australia, through its co-operative enterprise of wheat marketing, had a man who was then general manager (Mr. John Thomson) whose services were immediately called upon to carry out the management of wheat marketing during the war. On the declaration of war—I do not think

I should miss this point—it virtually meant the death of world gambling in wheat. Bulls and bears were operating and using the wheat produced by scores of thousands of wheatgrowers throughout the world. The growers were used as a gambling-piece by these people who wished to make money easily and quickly at the expense of others. However, the orderly marketing at that time meant the end of these people and that was the last the industry heard of them.

After the war, with the introduction of the wheat stabilisation plan, introduced by Mr. Scully in 1946, there was much criticsm from the wheat industry because of the shortcomings of the scheme. However, I must say in fairness that while at that time there were many critics of the plan, there was one thing uppermost in the minds of the designers of that plan: They did not want to see a return to the pre-war marketing chaos. They did not want to see a state of affairs as regards price range such as I will later quote from "The Wheat Situation," Vol. 13 published by the Bureau of Agricultural Economics, Canberra. The figures I wish to quote now are taken from the Federal Parliamentary Debates, the 22nd Parliament, 3rd Session, 1958, Tuesday, the 23rd September. The quotations are from the years 1919-1920 when we had a free marketing scheme where private enterprise had its play. In 1919-20 the average price on the open market was 8s. 10½d. throughout Australia. In 1920-21 it was 8s. 6¼d.: in 1921-22 it was 5s. 4½d.; in 1923-24 it was 4s. 9½d.; in 1925-26 it was 6s. 6d.; in 1926-27 it was 5s. 3½d.; in 1928-29 it was 5s. 4d.; in 1929-30 it was 4s. 3½d.; in 1930-31 it was 2s 4½d.; in 1931-32 it was 3s. 2½d.; in 1933-34 it was 2s. 9d.; in 1934-35 it was 2s. 9d.; in 1935-36 it was 3s. 1¾d.; in 1936-37 it was 5s. 4½d.; in 1937-38 it was 3s. 11½d. and in 1938-39 it was 2s. 5d.

That was the sorry run of prices received by the Australian farmer before there was any stabilisation scheme; and it was in the light of these figures that the authors of stabilisation did not wish to see the wheat industry thrust back to such a calamitous position as it was in during the early part of the 1930's. They wished to establish some base for the wheat market. I think that over the years it can be said to have been fairly done. Of course, there are some people who will say that the wheat industry has paid a very big price for stabilisation. In the light of the previous experience in the years I have recited to hon. members, and the tremendous fluctuation which occurred, this will be found, too, if a comparison is made with the years since the war and the years under stabilisation—it will be seen that the prices have been exceptionally good, although the farmer has not received the equivalent price to that which wheat has brought on the world markets.

These prices are, commencing from 1946-47, 15s. 8d.—I am dropping the decimal points—1947-48, 17s. 6d.; 1948-49, 14s. 2d.; 1949-50, 16s. 2d.; 1950-51, 16s. 9d.; 1951-52, 17s. 3d.; 1952-53, 17s.; 1953-54, 14s.; 1954-55, 12s. 6d.; and the latest figure for 1955-56, is 12s. 10d. It will be seen from these figures that, while the wheat producer has not received what he is, perhaps, entitled to, the prices received do compare reasonably well.

It has been claimed that the wheatgrower has, through home consumption prices, subsidised the people, to the tune of £197,000,000, so that anyone who thinks the wheatgrower has been a liability on the back of the taxpayer during the years the stabilisation scheme has been in operation, should further consider the matter.

The Hon. L. A. Logan: They call them the spoon-fed cockies.

The Hon. L. C. DIVER: That is so. The stabilisation scheme has been in operation for 10 years now, and, with the passage of this present legislation to give the Australian wheat market a further lease of life for five years, the wheat outlook is far from bright. There is no question about that. At the present time, it is freely admitted that in the northern hemisphere there are sufficient stocks of wheat to supply the world import requirements for two years.

The Hon. F. J. S. Wise: We do not know what Russia has.

The Hon. L. C. DIVER: No; neither the amount nor the quality. Neither do we know the exact quality of the huge surplus in the northern hemisphere. We see the word "feed-wheat" used more and more and I sometimes wonder just how much of the stockpile that has been created in North America, is "feed-wheat."

It has always been agreed that we should have a greater than normal carryover for world requirements, because no man or body of men knows just what the next 12 months holds in store for the wheat producers throughout the world; and it is felt that the teeming millions in this world are entitled to some guarantee from those in more favourable conditions to produce wheat, that they will have somewhere to look for their grain.

In mentioning this great carryover of the northern hemisphere, America, as well as Canada, has a considerable amount of carryover of wheat. Both countries are entering into a great deal of unfair trading practices with their supplies of wheat, so much so that our Australian representatives have had to travel to Canada and America to have lengthy discussions with

the representatives of the marketing authorities to ascertain how sales of Australian wheat were going to be affected.

Mr. McEwen himself, in his official capacity, has had to go to America for that very purpose. He has had to contact the Indian and Pakistan authorities, and, as a result, there is now an agreement that, so long as they are the recognised import countries of Australia—the ones that are regular customers for Australian wheat—they will take the normal quantity of wheat from Australia. Then Australia will raise no objection to the amount of wheat that these other countries provide to such places as India and Pakistan—and any other Asian countries in need—because it is felt that we cannot have the spectacle of mountains of wheat and starving millions. These negotiations have enabled Australia to maintain its essential customers, and has resulted in our practically cleaning out all supplies of wheat from Australia. Imagine the position if the people had been listened to a few years ago when they had clamoured for an acreage reduction of Western Australian wheat. We have the spectacle at the moment that our silos are practically empty—a gratifying situation to be in—and I hope it is an object lesson to those who would have had the acreage reduced by 20 per cent.

Western Australia's financial position is poor enough, and think how much worse the situation would have been if we had carried out the pleadings of those people.

The Hon. A. F. Griffith: Some of those people were in very high places.

The Hon. L. C. DIVER: Yes, I realise that. Some were in very high places and some of them had a very high responsibility in regard to storage; and it would have been an easier way out for them to reduce the acreage rather than to store the grain. It would have solved their problem very easily, but not Western Australia's problem with regard to credit.

The Hon. F. D. Willmott: Was all the wheat sold or was a lot of it lost through weevil infestation?

The Hon. L. C. DIVER: Over the war years, when wheat was retained in Western Australia—I do not want to run away from the question asked me—some of it was held in silos in the country for as long as 3½ years. The loss was less than ½ per cent., so that when hon. members hear talk about the loss, they should realise that there is such a big amount that what appears to be an enormous loss in the aggregate, when dealing with the scores of millions of bushels, is very light indeed. It will be found, as a rule, that the increase in weight from moisture absorption, without becoming excessive, more than covers any loss through vermin. That is a broad statement, but by and large, it is a reasonable assumption.

I feel that we have reached the stage, as regards wheat marketing, when I should make certain comments because there are influences at work today that do not believe in marketing boards. I would like to read what a Mr. C. R. Bunning, as President of the Western Australian Employers' Federation, had to say on the 23rd October, 1957. I do so, because I feel it is time to issue a warning to my fellow farmers—especially the young ones who have not experienced hard times—as to what might happen.

Mr. Bunning said—

> The preponderance of statutory marketing boards and their ability to overdiscipline the home market distribution of their relative products is still a cause for a great deal of misgiving.
>
> By no conception of free enterprise or individual freedom is it an offence to sell one's agricultural or industrial products as and where one wishes, and at the best market price. That is a vital principle upon which our whole social progress and history has been built. The statutory boards, however, are designed and operated in complete opposition to the idea. They vest the right in themselves to assess what should be the market's traffic. No producer and no purchaser is allowed any discrimination at all.
>
> The man in the relative industry cannot sell to any other buyer than his board, nor can he have any part in setting his price for his product. He cannot even produce as much in quantity as he might wish, in many instances. His board decides these things, and on top of that he has to pay some of its costs of administration and services.
>
> The consumer pays the balance. The consumer in turn suffers consequent restrictions. He cannot range around for the best bargains nor can he buy to a range of quality. He has to accept the standard of product decided as best by the board, at the price it dictates and in the quantity it releases. These are not principles of sound, competitive business in a form healthiest for the community. They are part of the regimented police state in which individuality is sacrificed. Marketing boards might serve a purpose in times of critical manpower shortage, such as in war, but they are not in our country's interests today.

That shows that we have in our midst people who would do away with the marketing legislation we have today. They would like to return to the times when we received 2s. 2d. per bushel for our wheat, in accordance with world markets. With the amount of wheat that exists in the world today, is it not reasonable to assume that free enterprise would have an excuse to offer the farmer a price such as that?

I believe that is what would happen if some people had their way, and so I hope that when the Commonwealth Government has to meet its responsibility for making up any leeway in the cost of production, it will not be found wanting.

The hon. Mr. Wise, when introducing the Bill, said that the guaranteed price was 14s. 6d. per bushel, and that is so; 14s. 6d. per bushel f.o.r., port of delivery. I have here, "The Wheat Situation," Vol 13, a publication by the Bureau of Agricultural Economics, Canberra. At page 35 of the statistical appendix, Table 13, it states that the rail freight and handling charges total 31.32d. per bushel, which brings the price to the average Australian wheat farmer back to 11s. 10⅝d. per bushel, which is a long way from the 14s. 6d. which many people think he receives, and it may take anything up to three years before he gets it. I point out, further, that that is the return to the farmer only on the wheat sold for home consumption—stock feed and breakfast foods within Australia—plus 100,000,000 bushels for export. That is the amount covered by the guarantee, but this year there could be 40,000,000 bushels outside the guarantee; and that would fetch whatever it would bring on the world market.

If the price received for that surplus on the world market was equal to the price under the stabilisation plan, well and good, but if it were a lower price it would reduce the average price per bushel received by the farmer. The Bill deals with the amount of money paid on wheat imported into Tasmania. Tasmania is in a favoured position in that over the last 10 years it has produced 600,000 bushels annually of wheat that is of low quality for bread-making purposes, but which is good for biscuit making. The result is that much of that wheat has found its way on to the Australian market in the form of biscuit flour. In place of that, the Australian Wheat Board is called upon to ship wheat of superior bread making quality to Tasmania; and there has been established the principle that the board pays the freight on that wheat to the Tasmanian ports, with the result that the charge is spread over all the purchasers of wheat in the Commonwealth.

The Bill sets out that in lieu of the 7½d. mentioned in the last agreement, the amount shall be increased to 2d. per bushel in order to pay the freight on wheat to Tasmania. I have wondered how long it will be before people at Darwin and elsewhere will ask for the same privilege as is granted to Tasmania. It is a highly dangerous principle, but it has been accepted, and so far there has been no trouble. The return from the wheat industry represents over 25 per cent. of our total economy, and this year, with the good season that is anticipated, it could well represent 33 per cent. of our economy.

The hon. Mr. Wise, when introducing the measure, said he thought we would have about 49,000,000 bushels of wheat this year, but I do not think that figure will be attained. It seems now that take-all will affect the return in some areas, and in the southern districts excessive moisture may reduce the average.

The Hon. F. J. S. Wise: It would take a lot of take-all to take all that.

The Hon. L. C. DIVER: I admit that we will still have quite a good harvest.

The Hon. A. F. Griffith: It will be interesting to watch the event.

The Hon. L. C. DIVER: The cost index is based on an Australian average of 15.5 bushels per acre, which is a high figure in view of the Western Australian average of 13.42 bushels per acre over the last 10 years. The result is that in computing the cost of production, Western Australia is worse off than the other States to that extent. I would like that to be remembered in regard to the wheat industry, although I do not wish to cry stinking fish, as wheat production is still attractive to most growers. Had our average been taken into consideration, our cost-of-production figure would have changed accordingly.

I trust that we will finish up in five years' time in a situation as good as that which obtains today. Our stabilisation fund at present is approximately £9,000,000 but that is not a large sum in relation to a guaranteed price on 100,000,000 bushels of wheat. It would require only a couple of seasons, with the export sales of wheat bringing a price 1s. a bushel below the stabilised price, to make the fund disappear. The guaranteeing of a maximum price would then become a charge on the Commonwealth Government. It would be extremely interesting if such a position did arise, to see how that undertaking would be discharged. However, I trust that we will not see the spectacle of a Government, which is crying poverty, called upon to provide these necessary millions.

The Hon. F. J. S. Wise: Nor the farmer.

The Hon. L. C. DIVER: This is a contract; and I cannot understand the import behind that interjection.

The Hon. F. J. S. Wise: I was wondering how farmers would react to a wheat export levy.

The Hon. L. C. DIVER: I suppose, if a farmer got his true value he might be able to manage that, too. Many aspects would have to be discussed before we came to a determination on that point. In view of the fact that the great nation of America is prepared to spend billions of dollars on her price support plan—which goes that much further than our wheat stabilisation plan—to ensure that

her economy remains constant in order to avoid any depressing influences, I hope that we will continue to have, among our Australian representatives, men of vision similar to those who have shown such great foresight in America.

If, eventually, we have to give way to long term credit, it would be far preferable to seeing, once again, the broken homes and broken hearts that were so evident during the depression years.

THE HON. C. R. ABBEY (Central) [9.50]: I consider that the Bill expresses the wish of the majority of wheatgrowers both in this State and throughout the Commonwealth. Therefore, the Government would naturally give way to that wish by continuing the legislation as it has been continued in the past to the benefit of the economy of our country. At present we have a similar demand being made in regard to wool and we will have to deal with that in the future. If it proves to be successful, it will be to our benefit.

At this stage I would point out that Western Australia was the first State to contribute, voluntarily, to a research fund which is now being contributed to by farmers all over Australia. That is something of which we can be proud, because we often find that Western Australia is in the van with such moves, and, in fact, it is so with wool at present. I think that Mr. Diver's fears of the Commonwealth Government's not accepting its responsibility will be unfounded. In fact, I am sure they will be, particularly if the present Government is returned to office. All Governments must accept responsibility for a product that contributes so much to our income from exports.

Fortunately, this year in particular, our wheat exports will help to balance the losses we have experienced in the revenue obtained from wool sales. During my various trips around the country, I have noticed that farmers are paying greater attention to fallow. This trend has been going on for some time. The farmers know that they have to balance their economy by growing more wheat, and they are able to do so successfully as a result of having built up their properties by relying more on sheep and wool production in the past few years and by top-dressing their soil.

They can now help to balance their economy by taking full advantage of the greater fertility of their land. The interjection by the hon. Mr. Wise in regard to harbour dues has not much substance, particularly when this State and the rest of the Commonwealth are dependent on agricultural exports. This justifies the fact that we do not, at present, have to pay harbour dues, particularly on wheat. With those few remarks, I support the Bill.

THE HON. A. R. JONES (Midland) [9.53]: In supporting the Bill, I want to make one or two observations additional to those which have been fairly well covered by the hon. Mr. Wise when he introduced the measure, and by the hon. Mr. Diver when speaking to it. The hon. Mr. Wise explained the reason for the introduction of the Bill very clearly and concisely, and, at the same time, pointed to the need for urgency in regard to its passing, which I hope will occur tonight.

One aspect in regard to this legislation is that there are many people in Australia who, when they read of any mention in the Press concerning a guaranteed price for wheat, come to the conclusion that the money used to guarantee the price is provided by the Commonwealth Government from contributions made by taxpayers. Only this week, when visiting parts of the Goldfields and talking to the residents there on matters relating to their industry, several people said to me, "Of course, you farmers are all right because the Government has guaranteed a price for your wheat for the last five years, and the legislation now before the House will mean that this will continue to apply."

Very few of such people are conscious of the fact that this guaranteed price is ensured at no cost to the taxpayer. I feel that this is one instance where the Press could make clear to the public what the true position really is. It is a good policy that everyone should understand the way a Bill or an Act affects the interests of the people. With the hon. Mr. Diver, I hope we will not have to call on the taxpayer to keep the price of wheat to a figure which will cover the cost of production.

This brings me to the second feature of this legislation that I would like to mention. Although nothing can be done this year—because arrangements have already been made and the production cost has been assessed—I think a more realistic approach should be taken by the Agricultural Council in regard to the cost of production in the future. This year the yield has been averaged at 15½ bushels to the acre.

The Hon. H. K. Watson: You are pretty close to bags on this occasion.

The Hon. A. R. JONES: Some people are talking in that vein, but I do not know where all these big averages are. In the last few days I have seen crops that will not approach anywhere near what the State average is estimated to be. I will admit that I have seen many good crops, but I have also seen many poor ones, and therefore I do not think the average will exceed 15½ bushels per acre for this State.

Another factor which the Agricultural Council should take into consideration is the assessment of the capital cost of

machinery, and other relative items concerning the necessities of farmers. I know that the farmers in this State have enjoyed a decrease in the price of super which has proved of great benefit to them. The farmers of Western Australia will benefit to the extent of £500,000 this year as a result of that drop in price. On the other hand, machinery costs are rising all the time. Wages also are creeping up by 1s. and 2s. per week.

One of the misleading aspects concerning the figures which were made on the last assessment of production costs was that a farming plant was valued at approximately £3,500. I venture to say that, in order to equip the average farm to grow 500 or 600 acres of wheat, one would not get sufficient plant today at a cost of £3,500. It would be more likely to be £6,000 or £7,000, with all the necessary farming implements included. Therefore, when assessing the production costs, on a capital cost for machinery, at £3,500, as against £7,500, it makes a great deal of difference.

Our Minister for Agriculture should therefore make these facts clear to the Agricultural Council and emphasise particularly that in this State farmers do not enjoy the high yields that are produced by farmers in the Eastern States. We do enjoy an advantage of about 3d. per bushel over some of the Eastern States producers because we are closer to some of our markets, but there is still room for a compensating factor to allow for the difference between our yield and that in the Eastern States. I therefore hope the House will agree to what the mover has asked for and will pass this measure as quickly as possible.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

CONSTITUTION ACTS AMENDMENT BILL (No. 3).

Second Reading—Defeated.

Debate resumed from the 29th October.

THE HON. C. H. SIMPSON (Midland—in reply) [10.5]: It appears there are very few speakers on this small Bill. In a sense that is surprising to me, because it is a genuine attempt to clear up what could be interpreted as an anomaly or loophole in the Act. I can hardly agree with the Minister who said, when he opposed the Bill, that it contained restrictive powers. He claimed that the Government, in bringing any measures of this type forward, sought to extend the franchise of the electors.

In my view, this Bill does not restrict or extend the franchise; it simply clarifies a point over which there could be some misunderstanding. Last year a measure relating to postal voting facilities was introduced which, in purpose and intent, was similar to the one before us. By a majority, both Houses passed it; although a section in this House realised that the amendment would not work very well in the country. The purpose of that amending Bill was to remove certain anomalies which, it was claimed, could exist.

I say the Bill before us will clarify the position and will prevent something of the same sort from occurring. The measure is so simple that it is beside the point to argue whether or not it is valid. I well remember the hon. Mrs. Hutchison, some three years ago, introducing a small Bill which affected the Constitution. Hon. members here realised it was a valid amendment, and, without exception, they agreed to it. Some of us gave credit to a comparatively new member for bringing forward what was a desirable amendment to the Act. In the same spirit I have brought forward the measure before us, which will clarify the point over which there can be some misunderstanding.

Over the years, a number of attempts have been made to modify the Constitution as it affected voting rights. One of the measures dealt with what can be termed plural voting; that is the right of an individual to have a vote in more than one province. The purpose of that Bill was to restrict or abolish plural voting. Irrespective of the interests held by an elector, the Bill sought to restrict him to one vote, whereas under the Constitution that person might have a legitimate right to a vote in more than one province.

On that occasion the Minister did not criticise the Bill on the score that it restricted the privileges and rights of an elector, but supported it because it had been introduced by his own party, although it definitely restricted the rights of a voter.

The Constitution provides very clearly that any elector possessing more than one qualification in a province shall not be thereby entitled to be registered more than once for that province. I entirely agree with that provision. As I have stated, under the local authority provisions, a corporation could have a number of properties in respect of any province—as many as 20 to 40. By appointing nominees, it is possible for that corporation to have 20 to 40 votes. It is impossible to say whether or not that is done, because the ballot is secret. The provision which I have just read out would entitle that corporation to have one vote, and that is on all fours with the provision in the Bill I have introduced.

I commend it to hon. members as being a very small amendment to the Constitution. In my opinion, it neither adds to nor subtracts from the powers of the franchise. It does, however, clear up a technical point which could bring about misunderstandings, and be the cause of irregularities. I submit the Bill to the House on that understanding. It will clarify a point that may arise at some future time. It is fair to all parties and to all voters.

Question put.

The PRESIDENT: In order that the question may be carried, it is necessary that there shall be a constitutional majority of members present and voting in favour of it. I shall divide the House.

Division taken with the following result:—

Ayes—9

Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. R. H. Lavery
Hon. A. L. Loton	*(Teller.)*

Noes—17

Hon. C. R. Abbey	Hon. G. E. Jeffery
Hon. G. Bennetts	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. R. F. Hutchison	*(Teller.)*

Pair.

Aye.	No.
Hon. J. Murray	Hon. W. F. Willesee

Majority against—8.

Question thus negatived.

Bill defeated.

HEALTH EDUCATION COUNCIL BILL.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [10.18] in moving the second reading said: The Bill has as its objective an amendment to Section 77 of the Act and a consequential amendment to Section 84. Section 77 gives to the permanent employees of the Railway Department the right of appeal against any punishment—fine, dismissal or regression—and the appeal is heard by a board, constituted under the Act, called the Punishments Appeal Board. The board is constituted of a stipendiary magistrate, as the chairman, together with a representative of the Railways Commission, and a representative of the employee.

There are 54 officers employed in the Western Australian Government Railways as heads and subheads of branches. They are the administrative officers. These officers are not subject to the Promotions Appeal Board. By virtue of the Act, they have no appeal against promotion. The Minister is responsible for finally approving of their promotions.

It is felt that with a new commissioner—to be appointed in the near future—this section of the Act should be amended so as to reconstitute the appeal board in relation to the heads and subheads of the branches—the administrators of the railways. The object of the amendment is to divorce—to some extent—the relationship between the commissioner and the commissioner's lieutenants, from the appeal board as it is at present constituted. It is proposed by the Bill, not to take from these officers the right of appeal, but to alter the constitution of the authority that will hear their appeals. Instead of an appeal being heard by a magistrate, a representative of the Railways Commission and a representative of the employee, as it is at present, the Bill proposes to give the right to hear the appeal to a stipendiary magistrate only; that is an independent court or person.

The reason for desiring this amendment is, as I have mentioned, that it divorces the close relationship between the commissioner and the commissioner's immediate lieutenants. It can be embarrassing for the commissioner and the officer concerned if an appeal goes before the board as it is at present constituted. The commissioner may have some reason to regress one of his heads, or subheads, or some other responsible officer, and the appeal is heard, in the first place, by one of his own representatives; a representative of the appellant's workmates; and a magistrate. So, the commissioner would have to brief his representative on the board, the officer concerned would naturally brief his elected representative, and the case would really be decided before the magistrate joined these two representatives to hear the appeal.

From my personal experience as Minister for Railways, I feel there may be better administration—more responsibility taken by some officers, anyway; although I am not saying they are all irresponsible—and more keenness and interest in these responsible positions by the officers who occupy them, if the Act is changed in this respect. Since I have been Minister,

I have noticed that there seemed to be reluctance at times on the part of the previous commissioners to take action, where they thought they might have taken action, because they felt it would be futile, anyway.

I have proposed to the Government that the Act should be altered, and tightened up a little, in this respect. This also would benefit the officers concerned, because they would have their appeals heard by an independent stipendiary magistrate; and there would be nobody advocating for the commissioner, who was responsible for the transferring, regressing or fining, as the case may be. Each case would be heard by an independent and impartial person, and it would be decided on the evidence adduced. Justice would be done.

All in all, it is my sincere and earnest opinion that Section 77 should be amended, as is proposed in the Bill, so that when we advertise, as we hope to do in the next week or two—as soon as we know the result of this amendment—for a commissioner, we will be able to forward him a copy of the Act which will, at least give him a little more authority as commissioner. He will not have to judge on his own behalf, in respect to any decision he might make, concerning any member of his administrative staff.

The Hon. A. F. Griffith: It will not give him any more authority, will it?

The Hon. H. C. STRICKLAND: It will not give him more authority, but he might feel that he is in a better or stronger position.

The Hon. A. F. Griffith: Because of the realisation that appeals will be heard by a stipendiary magistrate, and not by a panel of three.

The Hon. H. C. STRICKLAND: Yes. The amendment will affect only 54 officers, 34 of whom come under a Federal transport officers' organisation and the other 20 under a Federal professional officers' organisation. I am not sure of the exact titles.

The Hon. G. Bennetts: These organisations are stationed in the Eastern States.

The Hon. H. C. STRICKLAND: All those people to whom I have spoken about the Bill agree with it. The Commissioner of Railways, and the officers of the department to whom I have spoken, feel it is a move in the right direction and that it is an improvement on the existing set-up. I recommend the measure to the Legislative Council, and I move—

That the Bill be now read a second time.

On motion by the Hon. A. F. Griffith, debate adjourned.

House adjourned at 10.29 p.m.

Legislative Assembly

Tuesday, the 11th November, 1958.

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