Legislative Assembly.

Thursday, 30th September, 1948.

CONTENTS.

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

QUESTIONS.

LANDS.

(a) *As to Settlement of Ex-Servicemen.*

Mr. HOAR asked the Minister for Lands:

In view of his statement in "The West Australian," of the 28th September, 1948, that under the War Service Land Settlement Scheme 258 farms had been allotted, or were in course of allotment, will he inform the House—

(1) How many wheat and sheep farms have actually been occupied under the scheme?

(2) How many dairy farms are actually occupied under the scheme?

(3) How many are in process of allotment?

The MINISTER FOR EDUCATION (for the Minister for Lands) replied:

(1) One hundred and twenty-five.

(2) Sixty-six.

(3) Twenty wheat and sheep, 10 dairy.

The balance comprises three poultry farms occupied; 24 wheat and sheep allotted but not occupied; 10 dairy allotted but not occupied.

(b) *As to Resumptions for Closer Settlement.*

Hon. A. R. G. HAWKE asked the Minister for Lands:

(1) What is the total area of land resumed under the provisions of the Closer Settlement Act, 1927-1945, in each of the following years:—(a) 1946, (b) 1947, (c) 1948?

(2) In what districts has such land been resumed?

The MINISTER FOR EDUCATION (for the Minister for Lands) replied:

(1) (a), (b) and (c) Nil.

(2) Answered by No. (1).

TIMBER.

As to Effect of Lifting Control.

Mr. HOAR asked the Minister for Housing:

In view of his statement in "The West Australian," on the 28th September, 1948, that—

(a) timber control would be lifted on Friday, the 1st October, 1948;

(b) that a permit would still have to be obtained from the Housing Commission for house building;

(c) that, from inference, timber merchants will now have to police the sale of timber to the public;

will he inform the House whether it will be possible, after control is lifted, for any person to purchase timber from a timber

mill or merchant without showing a building permit from the State Housing Commission?

The MINISTER replied:

Yes, but merchants have agreed to give preference to those holding building permits.

RAILWAYS.

(a) *As to Engines in Traffic.*

Mr. MARSHALL asked the Minister for Railways:

What was the total number of engines of all types in traffic at the 30th June, 1939?

The MINISTER replied:

Three hundred and fifty-six.

(b) *As to Use of Spark-Arresters.*

Mr. ACKLAND asked the Minister for Railways:

In view of his recent statement, "that owing to the Cyclone spark arrester in some cases interfering with the steaming of locomotives, it may be necessary to remove the spark arrester from certain locomotives," can he state—(a) whether it is possible to specify how many locomotives are likely to be affected, and (b) if it is likely that any locomotives that will be used in country districts during the summer will be without spark arresters fitted to them?

The MINISTER replied: I desire to make a statement on this matter as follows:—

(a) and (b) As a result of complaints received from the locomotive drivers, tests of the Cyclone spark arrester were made on the 27th July, when it was found that the spark arrester did interfere with the steaming of certain classes of locomotives. Action was then taken to test all locomotives fitted with Cyclone spark arresters, and a committee consisting of representatives from the Locomotive Drivers' Union, the Chief Mechanical Engineer and the Superintendent of Loco. Running was appointed to carry out the work.

In the trial in July, a "PR" class locomotive functioned satisfactorily, and a standard type Cyclone spark arrester has been adopted for that class of locomotive, and is being fitted to them.

The next classes of locomotives examined by the committee were the "Es" and "Fs," and thirty different tests were carried out before satisfactory results were obtained. A standard type of the spark arrester has now been decided on for these locomotives.

Types of locomotives now being tested are "D" (suburban), also "C" and "L" classes which are light line (45lb.) locomotives and consequently are used on many of the branch lines. As soon as a satisfactory type of spark arrester has been designed the work of equipping these locomotives will be expedited as far as practicable.

Every effort is being made to have as many locomotives fitted with satisfactory spark arresters before the summer sets in as is possible, and I am advised that it is hoped to have as many as were fitted last summer. But it will be impossible to have all locomotives so fitted, and therefore, I want to warn farmers to see that effective fire breaks are ploughed, particularly where their properties adjoin the railways.

Recently, during visits to several widely separated districts, I had not seen two, or at most, three properties where it could be said a reasonably effective fire break existed. A few furrows ploughed as close to the fence as possible are of little use; the ploughing should be sufficiently far from the fence to prevent the possibility of burning leaves from bushes on the road being blown over the fire break.

It is late for ploughing now, but the late rains will afford the opportunity that should not be lost.

HOUSING.

(a) *As to Men Employed on Day Labour.*

Hon. A. R. G. HAWKE asked the Minister for Works:

How many men were employed under the Government's day labour house building scheme on each of the following dates:—

(a) The 31st March, 1947;

(b) the 31st March, 1948;

(c) the 27th September, 1948?

The MINISTER replied:

(a) Three hundred and sixteen;

(b) three hundred and eleven;

(c) three hundred and two.

These figures do not include men employed on the conversion of Army huts.

(b) *As to Rentals of Commonwealth-State Homes.*

Mr. GRAHAM asked the Minister for Housing:

What are the rentals of Commonwealth-State rental houses recently made available to tenants?

The MINISTER replied:

Rentals vary with type of home and district in which erected. Recent rentals range from:—

Metropolitan Area.—Four-room brick, 29s. to 32s.; five-room brick, 31s. to 36s.; four-room timber-framed, 28s. to 29s.; five-room timber-framed, 30s. to 32s.

Country Districts.—Four-room timber-framed, 26s. 6d. to 32s.; five-room timber-framed, 28s. 6d. to 36s.

(c) *As to Purchase of Rental Homes.*

Mr. FOX (without notice) asked the Minister for Housing:

Has any attention been given to the question of giving tenants who are in rental houses opportunity of purchasing those houses and at the same time accrediting the rent already paid towards repaying the principal?

The MINISTER FOR HOUSING replied:

Communications have taken place between this Government and the Commonwealth Government and an arrangement has been made to enable the purchase of rental homes by approved tenants who occupy them. The terms of the arrangement do not relate to rent already paid and the purchase would start from the date of the contract. Arrangements have been made or are being finalised, under which rental houses may be purchased by approved tenants.

CHAMBERLAIN INDUSTRIES, LTD.

As to Allocation of Tractors.

Mr. GRAYDEN asked the Minister for Industrial Development:

(1) Is it a fact that advance local orders for W.A.-built Chamberlain tractors cover all the first year's production from the Welshpool factory?

(2) Is it a fact that export orders cover the next year?

(3) In view of the acute local shortage of tractors, does the Government propose to take action to ensure that these W.A.-built tractors will not be exported until the local shortage has been overcome?

The MINISTER replied:

(1) Yes.

(2) Export orders have been received, but not accepted.

(3) The company has given an undertaking to the Government to hand over the whole production to the Department of Agriculture for distribution until such time as the local demand has been fully satisfied.

BUS SERVICES.

(a) *As to Increased Fares, United Buses.*

Mr. SMITH asked the Minister for Transport:

(1) Does the approval given for increased fares to United Buses Pty. Ltd. include approval to discontinue reduced comparative fares for return tickets and tickets sold by the dozen?

(2) Do the sections used in the formula for the calculation of fares imply that passengers can be picked up and/or set down within all these sections?

The MINISTER replied:

(1) Return tickets are still available, although their cost has been increased in proportion to the increases granted on the comparative single ticket. Approval was granted by the Transport Board for the discontinuance of the sale of "tear-off" tickets sold by the dozen. The effect of this was to reduce to a minimum the increases necessary on other fares.

(2) No. Passengers may be picked up on routes covered by other services to be transported into the area served solely by United Buses Ltd., or vice versa, but the company is not permitted to pick up any passenger on another operator's route and subsequently set him down in any area other than that serviced solely by the said company.

(b) *As to Increased Fares and Routes Affected.*

Mr. HEGNEY asked the Minister for Transport:

(1) What is the name of the bus company operating between Perth and Claremont which has been granted an increase by the State Transport Board in its fares and charges for concession tickets?

(2) What are the particulars of such increases?

(3) What is the name of the company which has received permission to discontinue the issue of season tickets?

(4) Are weekly tickets included in such permission?

(5) What routes are affected by the decision of the Transport Board, as reported in "The West Australian" on the 29th September, 1948?

The MINISTER replied:

(1) United Buses Ltd.

(2) The price of monthly tickets has been increased by 25 per cent., and the return fare between Perth and Claremont, via Dalkeith, raised from 1s. 1d. to 1s. 3d. Some sectional fares have been increased slightly and others decreased, mainly to link fares more appropriately to distances.

Approval has been granted for the discontinuance of the sale of "tear-off" single tickets sold by the dozen. The effect of this was to reduce to a minimum increases necessary on other fares.

(3) and (4) No company has received permission to discontinue the issue of season tickets, although the Emu Bus Co. has been authorised to withdraw sales of "tear-off" single tickets sold at 3s. 9d. per dozen. A cash fare of 4d. is now payable.

(5) Perth to Claremont, via Dalkeith (United Buses Ltd.) and Perth to Subiaco and Shenton Park (Emu Bus Co.).

GALVANISED PIPING.

As to Shortage of Supplies.

Mr. HEGNEY asked the Minister for the North-West:

(1) Is he aware that there is a serious shortage of 1½in. and 1in. piping required by pastoralists in the Pilbara district?

(2) What quantities of piping of the sizes mentioned have been released for pastoral purposes during the past 12 months?

(3) Is he in a position to indicate when reasonable supplies will be available for pastoralists in the northern portion of the State?

The MINISTER replied:

(1) Yes.

(2) It would be extremely difficult to segregate the quantities of the sizes mentioned released to any particular district.

(3) Impossible to forecast when the position can be relieved. It is entirely dependent on the supplies of coal and labour available at Newcastle.

The Honorary Minister for Supply and Shipping is now in the Eastern States endeavouring to obtain shipment of a substantial tonnage available at Newcastle, of which the primary producers would get a proportion.

GREAT EASTERN HIGHWAY.

As to Widening and Cost.

Mr. GRAYDEN asked the Minister for Works:

(1) When is it anticipated that the present work of widening the Great Eastern Highway will be completed?

(2) What is the anticipated cost of the present work of widening the Highway?

The MINISTER replied:

(1) Construction work and first stage surfacing should be completed in a few weeks' time, except for two minor adjustments at curves which involve the removal of P.M.G. poles.

(2) Estimated cost of construction and completion of surfacing to first stage—£30,500.

INFANTILE PARALYSIS.

As to Contacts and Safeguards.

Mr. GRAYDEN asked the Minister for Health:

(1) When a case of infantile paralysis has occurred, what persons who have been in contact with the patient are quarantined?

(2) Is preventive action taken to safeguard those who have been in contact with a person afflicted with infantile paralysis?

(3) If so, what action?

(4) Is it the responsibility of the Health Department or the local authorities to carry out such preventive measures?

The MINISTER replied:

(1) All persons 14 years of age and under who have been in intimate contact with the patient are isolated for 21 days from the date of last contact.

In special cases when persons are in daily contact with children, such as schoolteachers, infant health nurses, etc., they are isolated for 21 days from date of last contact with the patient.

This includes children over 14 attending school.

(2) Yes.

CHRISTMAS HOLIDAYS.

As to Prescribing Alternative Days.

Mr. HEGNEY (without notice) asked the Premier:

(1) Is he aware that the following days will be observed as holidays by the Commonwealth Government in relation to all its employees, including those in factories, etc.

Saturday, the 25th December, 1948.
Monday, the 27th December, 1948.
Tuesday, the 28th December, 1948.
Saturday, the 1st January, 1949.
Monday, the 3rd January, 1949?

(2) What action has been taken by the Government to ensure that the above days will be observed as holidays and enjoyed by Government employees and workers in private industry in this State?

The PREMIER replied:

Yes, the Government has received notification from the Prime Minister of the dates decided upon by the Commonwealth Government as public holidays during the coming Christmas season. Consideration is being given by the Government to the question of holidays, and an early announcement will be made.

WEST AUSTRALIAN CLUB (PRIVATE) BILL SELECT COMMITTEE.

Report Presented.

Mr. NEEDHAM: brought up the report of the Select Committee, together with a typewritten copy of the evidence and correspondence referred to in the report.

Ordered: That the report and recommendations be printed.

On motion by Mr. Needham, resolved: That the consideration of the Bill in Committee be made an Order of the Day for the next sitting.

LEAVE OF ABSENCE.

On motions by Mr. Rodoreda, leave of absence for six consecutive sittings granted to Mr. Leahy (Hannans), Hon. P. Collier (Boulder) and Mr. Triat on the ground of ill-health.

BILL—HEALTH ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—McNESS HOUSING TRUST ACT AMENDMENT (No. 2).

Introduced by the Minister for Housing and read a first time.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [4.48] in moving the second reading said: At present Section 26 of the Factories and Shops Act provides that no person of Chinese or other Asiatic race shall be registered as an owner or occupier of a factory unless he satisfies the Minister that he carried on the business before the 1st day of November, 1903, or was employed or engaged by the occupier of the factory in or about the factory, unless the occupier satisfies the inspector that such person was so employed or engaged in the factory on or immediately before the date aforesaid. Section 135 of the Act provides that no person of Chinese or other Asiatic race shall be employed in any factory for longer hours than women may be employed under the Act, nor shall he be employed before eight o'clock in the morning or after five o'clock in the evening.

During last year the High Commissioner for India approached the Government with a view to having removed from the State legislation discrimination which prevented Indians from having rights equal to those of other citizens if such Indians were permanent residents of this State. He stated that it would be greatly appreciated by his Government if these restrictions could be removed, because he felt it was invidious that his nationals should be denied equal rights when they had been accepted as permanent residents of Australia. A like approach was made to each of the other States. The Government gave consideration to this request and felt that it was only reasonable that it should accede to it because such persons would be very few in number; they would be aged, and it was thought that no ill effect could result.

It is pointed out that the Commonwealth has for many years prevented the admission of Indians and other Asiatics as permanent residents of Australia and so those that came to Australia have almost died out. In addition, their descendants,

who are comparatively few, have become full citizens of Australia by birth, and are thus entitled to exercise their full rights as citizens in the government of the country and in all aspects of local authority.

Hon. A. H. Panton: The Bill does not affect the families of those people?

The ATTORNEY GENERAL: Yes.

Hon. A. H. Panton: Are they still Indians?

The ATTORNEY GENERAL: They become Australians if they are born here.

Hon. A. H. Panton: In that case I should not have thought the Bill would have affected them.

The ATTORNEY GENERAL: The approach was made in a letter which contained the following:—

The Government of India feels that Indians who are permanent residents of Australia should not be subject to any disabilities on the score of their original nationality.

The Government promised to put before this House legislation which would have the effect of removing the disability as requested, and a very appreciative letter was received from the High Commissioner for India in these words:—

Dear Mr. McLarty,—

I was very glad to receive your letter of the 16th September which was forwarded to me from Canberra. I am greatly obliged to you for the decision your Government has made regarding disability or discrimination against Indians in Western Australia. I am sure my Government will appreciate this satisfactory solution of the question.

India, as we are all aware, received full status as a member of the British Commonwealth of Nations, and I think it will be generally agreed that if respect can be paid to her national sentiments without affecting the life of our own people then we should do so. The Bill proposes to add to the sections to which I have referred a proviso as follows:—

Provided that this section shall not apply to—

(1) any person of Asiatic race who is a natural-born British subject and whose domicile is in the State on the day of the commencement of the Factories and Shops Act Amendment Act, 1948, nor

(2) to any descendant of any person referred to in the next proceeding paragraph if he domicile of the descendant is in the State.

That proviso stipulates the circumstances under which the section shall not apply. The policy of Australia and the policy of this Government is that no persons of Asiatic origin shall come to compete with and lower the standard of living of our Australians, and with that I am in full accord. But I do feel that when so little is asked which would, in my opinion, remove some of the natural resentment of such a nation as India, we should take notice of it and do what we can. For that reason the Bill has been introduced. I would also point out that at the present moment we are the only State that shows such discrimination and I think we should remove it. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [4.59] in moving the second reading said: This Bill has for its purpose the removal of discrimination against Indians and Asiatics who have become permanent residents of Australia as is provided for under the Licensing Act. As the House has already heard my reasons for introducing the Factories and Shops Act Amendment Bill and as the reasons for introducing this Bill are exactly the same I do not propose to go through them again.

Mr. Marshall: What number of persons is likely to be affected by the Bill?

The ATTORNEY GENERAL: In Western Australia I think there are about a dozen altogether. I understand that there are about 1,000 in Australia and some might leave their present domicile in other States and come to Western Australia.

Mr. Styants: If the conditions are not altered in the other States in the same direction as is proposed in the Bill we will probably get the lot of them.

The ATTORNEY GENERAL: The conditions have already been altered in the Eastern States, and we are the only State that has not provided for them. The pro-

vision in the Act is Section 130a, which reads—

> Every licensee by whom any person of Asiatic race was employed in or about his licensed premises on the 15th day of August, 1922, shall cause the name of such person to be registered in a register to be kept at the Licensing Court for the district in which the licensed premises are situated; and no licensee shall, elsewhere than in the North Province of the State, employ any person of Asiatic race in or about his licensed premises whose name is not so registered: Provided that this section shall not apply to persons of the Jewish race.

The amendment proposed is to add after the word "race" the following words:—

> and that this section shall not apply to—
>
> (1) any person of the Asiatic race who is a natural-born British subject and whose principal domicil is in the State on the day of the commencement of the Licensing Act Amendment Act, 1948, nor
>
> (2) to any descendant of any person referred to in the next preceding paragraph if the domicil of the descendant is in the State.

I move—

> That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [5.2] in moving the second reading said: This Bill is intended to modernise the Prevention of Cruelty to Animals Act. Members will see that the statute is of considerable age, having been in operation for 28 years. The measure has been introduced at the request of the R.S.P.C.A. We are all aware of the valuable work this society is doing. I have been informed that its officers attend approximately a thousand calls a month, involving first aid treatment to sick and injured animals, destruction of diseased and unwanted animals, inspection of cases of reported cruelty and inspection of horses that are sick and injured. For carrying out this work, the society employs four inspectors, of whom three are stationed in the metropolitan area and one in the country. The country inspector visits various centres and farms and advises people regarding their animals. Since January of this year, he has covered 8,000 miles on this work.

There should be no need to speak of the value of the work done by the society for the community in preventing cruelty to animals. The society also assists people who feel it necessary that an animal should be destroyed, and its destruction is carried out in the most merciful manner. As I have already said, the Act under which the society is working is hopelessly out of date.

I propose to deal with some of the major provisions of the Bill and leave to the Committee stage a discussion of those of lesser importance. At present, there is no definition of "cruelty" in the Act, and so provision has been made to define the word and to specify as "cruelty" those acts which are declared to be offences under Section 4. Previously, there was some confusion because, although it might have been implied that the offences amounted to cruelty, there was nothing in the Act to define them as such. Another amendment proposes to insert the words "knowingly permit cruelty." If anybody knowingly permits cruelty, that will come within the definition of "cruelty" for the purposes of the Act.

The next amendment proposes that there shall be a minimum penalty for offences of cruelty, notwithstanding the provisions of the Justices Act. Under that statute, justices in certain cases may impose less than the minimum penalty laid down. The Bill proposes that the minimum penalty shall be 10s.

Hon. A. R. G. Hawke: A minimum of 10s.?

The ATTORNEY GENERAL: Yes; under the existing Act it could be even less. Section 7 of the Act provides that, if any constable or officer of the society is of opinion that any animal is unfit for work, he may, by notice signed by him and endorsed by a justice, direct that such animal be not used for work. To obtain the endorsement of a justice is felt to be unnecessary, so the Bill proposes to delete those words. The Act provides that a complaint in respect of an offence shall be made or laid within 30 days. That is considered to be unsatisfactory because, on occasion, the act of cruelty has not come under notice within that time, and there does not seem to be any reason why the ordinary provisions of the Justices Act should not apply wherein the period is six months.

The Act provides that if a constable or officer of the society finds an animal so diseased or injured, or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of doing so without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a veterinary surgeon, if one resides within a reasonable distance, and if it appears that the animal is so injured or diseased that it is cruel to keep it alive, or when there is no veterinary surgeon residing within a reasonable distance, the constable or officer may in either case, without the consent of the owner, cause the animal to be slaughtered. Thus, under the Act, the summoning of a veterinary surgeon is required before an animal may be slaughtered. Every member is aware of the great shortage of veterinary surgeons and that they are not available for such a duty. Therefore, we propose to delete the provision requiring a veterinary surgeon to be summoned.

Another provision in the Act is that if any animal is at any time impounded or deprived of its liberty and so continues without fit and sufficient food and water or proper treatment for more than 24 consecutive hours, it shall be lawful for any person to enter upon the premises and supply the needs of the animal so long as it remains impounded, and the reasonable cost of the food, water and treatment supplied shall be paid by the owner and may be recovered as a civil debt in any court of summary jurisdiction. It is proposed to add the following words:—

> or in the event of the conviction of any person of an offence for failing to supply food, water or treatment, the justice convicting may order the person convicted to pay the amount of the reasonable cost thereof, not exceeding Twenty pounds, to the person who supplied the same, and payment of the amount may be ordered in addition to any penalty imposed and enforceable as a penalty.

Thus, under the amendment, it will not be necessary to sue for any claim in respect of supplying food or treatment in those circumstances, but the cost may be awarded by the justices when imposing the penalty on the convicted person. Those are the principal amendments and, as I have stated, I shall deal with the less important ones in Committee. I move —

That the Bill be now read a second time.

On motion by Mr. Brady, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st September.

HON. A. H. PANTON (Leederville) [5.15]: This Bill seeks to amend the Workers' Compensation Act. I think it will be generally conceded that this is a class of legislation which, of necessity, must be progressively amended. Although this legislation was first introduced in 1897 or 1898, it was not until 1912 that it was amended. The reason is obvious, because between those dates the State had little industry and few industrial concerns, as we know them today, that warranted the legislation. The 1912 Act repealed the previous Act and at the time it came into force was considered to be an excellent piece of legislation. The Act had one bad fault, however, as the weekly payments which were to be made under it were based not on a schedule such as we now have, but on the industrial disabilities suffered by the workers on account of their injuries.

Those of us who took a prominent part in the Labour movement at that time could tell of strange and perhaps pitiful ways in which the insurance companies treated, or attempted to treat, some of the unsophisticated workers who had suffered injuries. It was not until 1924 that the opportunity was taken to amend the 1912 Act. A Bill was introduced then by the late Hon. A. McCallum, who I suppose had a better knowledge of industrial legislation and workers' compensation than most men, because for a number of years he had been the secretary of the Trades Hall, where large numbers of these workers usually went for advice, and to explain what had happened to them.

The main trouble that occurred at that time was over the granting of a lump sum payment in settlement. In those days, the injured worker went into a hospital, where he was treated until the doctors considered they could do no more for him. The question then arose of the lump sum payment to be made to him as compensation for his industrial disability. There were disagree-

ments between the doctors as to the actual industrial disability and the amount that should be paid to the worker. Our experience was that by the time a settlement was reached, most of the compensation money was absorbed by legal expenses.

The 1924 Act contained a schedule such as we have today. It set out the nature of the injury and the amount of compensation payable in respect thereof. Incidentally, the 1924 measure resulted in a conference which continued for 12 or 13 hours before the difference between the two Houses could be resolved. Admittedly, it was a lengthy Bill and many amendments had been moved by the Legislative Council. However, it was generally considered to be, as I have said, an excellent piece of legislation. In fact, it was proclaimed to be the best Workers' Compensation Act in Australia, if not in the British Dominions. However, even that Act has been amended, first in 1925, again in 1927 and in 1931—when the Bill failed to pass the Legislative Council—and in 1934, 1939, 1941 and 1943, all of which goes to confirm my statement that this legislation requires continual amending to keep pace with the expansion of industry. As various new industries are commenced, anomalies are found to exist in the Act. Other factors, of course, are the increase in the basic wage and the decline in the purchasing power of money, which make a difference. What might have been a reasonable amount in 1924 would, of course, be inadequate in these days.

Now we have another Bill to amend the parent Act. It is, to a very large extent, the result of the recommendations made by a Royal Commission appointed by the present Government. The Bill follows fairly closely the recommendations of that commission, but some of them, which we consider extremely important to workers, have not been adopted. There is what appears to be a formidable list of amendments on the notice paper, but I assure the Minister and his colleagues that only about four principles are involved, so that most of them are consequential. The Bill itself does not contain many important principles. Most of the clauses are of a machinery nature. In one respect, the measure makes a clean breakaway. It proposes to constitute a board. We on this side of the House have no objection to such a board, provided it is constituted of a representative of the Australian Labour Party, a representative of the Employers' Federation, and a chairman who is a legal practitioner.

The Bill is based largely on similar legislation in the Eastern States, New Zealand and Canada. I think I can say that we on this side of the House will support the measure, with a few amendments to which we hope the Government will give sympathetic consideration. I was for a period a member of the Legislative Council, of which the late Sir Edward Wittenoom was also a member. He had a habit of getting on his feet and saying on the second reading of a Bill, "I have examined this Bill very carefully. I think it is a reasonably good Bill and, with a few small amendments that I propose to move, it will be a still better Bill." I believe that is the position so far as concerns this measure; at least I hope so. I shall deal briefly with some of the amendments proposed by the Bill. The first one to which I shall refer is as follows:—

> Without limiting the generality of the provisions of the next preceding subsection, but subject to the provisions of this section, ...

and what follows resulted in the amendments appearing on the notice paper—

> . . . . an injury by accident to a worker shall be regarded as arising out of or in the course of his employment.

The words "by accident" fall into the same category as did the words "industrial disability" between 1912 and 1924. If we went to the trouble to get all the data that could be obtained on the subject of "industrial disability," we should find that those words caused many arguments, many discussions, and also many disappointments to injured workers. I freely admit the Minister pointed out that the inclusion in the schedule of industrial diseases has to a large extent overcome the difficulty arising from the words "by accident." I would point out to him, however, that workers suffer disability from what is known as a gradual onset of a disease incurred during their employment. It is really not an accident and therefore the worker is not entitled, under the present Act, to any compensation in respect thereof. The inclusion in the Bill of the words "by accident" will, in the opinion of myself and my colleagues, perpetuate the old trouble that was so fruitful of argument and discussion.

I agree with the Minister that we can better discuss the point when in Committee and therefore I do not propose to elaborate on it at the moment, except to say that the words in question, "by accident," have been eliminated from the New South Wales and Queensland Acts, and that I consider the definition of "injury" in both those Acts would cover the position very well. Another provision in the Bill extends the period to three years within which a worker may, after leaving his employment, make a claim in respect of disease contracted during the course of his employment. We have no objection to offer to that extension, which we consider to be fairly reasonable, except in the case of such a disease as silicosis. Dr. Outhred is looked upon as an expert on such diseases as pneumoconiosis, silicosis and miner's phthisis, and perhaps I may be pardoned for reading a portion of the evidence given by him. He was asked the following question:—

When a man has early silicosis or pneumoconiosis—in the early stages—if he leaves the mines, does that develop to a greater degree?

His answer was—

Yes. There has been a great deal of argument about that in medical circles. It is mostly considered that there is no doubt that the disease can progress after leaving the industry. I have had several cases of men here in the industry prior to the war, who went away for four or five years on war service. I have checked up on some of them, and although they were normal when they left, they had silicosis when they came back, and I think it came from the mining industry.

This is an important factor. Men whom we Australians in our own way call "clean skins," big, strong, healthy, strapping young fellows when they left for the war, with not a trace of pneumoconiosis or silicosis, returned after four or five years and were found to be suffering from silicosis. Dr. Outhred, who is the expert in the Commonwealth Laboratory, is convinced in his own mind that the disease was contracted in the mines. He goes on to say in another place—

Some men inhale enough dust in five years or less of underground mine work to cause silicosis. In such cases the condition is often neither suspected nor capable of detection at time of leaving the industry, but the retained dust continues to do its work, and 5 to 10 years later again an obvious disabling silicosis is found to be present.

That is the reason we are asking the Government to alter the time to ten years as far as these diseases are concerned. I have no desire to make a special appeal for returned soldiers, but I think I am justified in saying that there will probably be a large number of them who will suffer a disability under the present Act, and even under the amending measure, because when they went away from the mines they showed no sign of silicosis—and many hundreds and probably thousands enlisted from the mines, because the number employed there dropped from 9,000 odd to 4,000 odd. If on their return they were discovered to have silicosis, which the doctors believed to have been contracted from the mines prior to their going away, those men would be in the unhappy position of having a disease that was not war-caused, and could not be claimed to be war-caused, and also as they had been out of the industry for 12 months, or under this amending Bill three years, they would not have any compensable rights under this or any other legislation.

I appeal to the Minister to give earnest consideration to that aspect. There may not be a great many men involved, but even if there is only one we should provide for him. We are asking for the ten years only in connection with these particular complaints, and no others. I ask the Minister to look into the amendment, which appears on the notice paper, to provide for that. The Minister said that his Government hoped to bring down an amending Bill next session to amalgamate all the miner's phthisis and silicosis Acts. Even if that is done—and I have no reason to believe that it will not be—many men may suffer in the meantime, and the measure would need to contain a provision such as I am now advocating in order to overcome the difficulty. Meanwhile these men have to wait another 12 months to find out what is going to happen to them.

Another provision in the Bill provides for the delegation of certain powers to a magistrate. We appreciate the necessity of delegating powers to magistrates in a far-flung country such as ours—probably in the North-West or even Wiluna where the board might not desire to go—and the Bill provides that certain powers can be so delegated to deal with a particular case. The measure states that the decision of

the magistrate, acting under delegated authority, shall be as binding and as effective as if it were that of the board. It goes on to provide that a report of the proceedings before a magistrate shall be forwarded to the board within fourteen days of a decision on the proceedings being promulgated by him.

The Bill also stipulates that the decision of the board shall be final, except on questions of law which the board itself or either of the litigants concerned can refer to the Full Court. We do not disagree with that provision, but we do with the one which states that a magistrate's decision shall be final, because he may be a new and very young official, and be asked to deal with a complicated case. We propose that the magistrate's decision shall be final unless an appeal is made to the board.

We suggest that any person who was a party to any question determined under the provisions of the Act by a magistrate may, in the manner and within the time prescribed by the rule, appeal to the board against the decision of the magistrate, and every such appeal shall be heard and determined by the board whose decision thereon shall be final and conclusive. That is only a fair request. The Bill already provides that within 14 days the magistrate shall make a full report to the board, and we think that an appeal should lie to the board, whose decision shall be final. I do not think there can be much difficulty about that, because, after all, appeals are made almost weekly from magistrates to the higher courts. The board is to have the final say, and we think that where some person with delegated authority decides a case there should be an appeal to the board if either side requests it. The Government might consider that aspect.

Another important part of the Bill is the Third Schedule which provides for £1,200 and an additional sum of not more than £25 in respect to each dependent child, step-child, etc. My reading of the recommendation is that each dependent child should receive £25 in addition to the other sum. We are very much afraid—we may be pessimists of course—that the words "not more than £25" may lead the board or the magistrate to believe that an award of less than £25 may be made. We suggest that those words come out, unless the Minister can give us a proper explanation of the reason for them.

The Minister for Education: I am going to agree to that amendment.

Hon. A. H. PANTON: Then there is no need for me to deal with it further. We also desire to amend the Third Schedule which includes the following words:—

> Any dermatosis, ulceration or injury to the skin or ulceration or injury to the mucous membranes of the mouth or nose wholly or partly produced or aggravated by contact with or inhalation or ingestion of irritating caustic or corrosive dusts.

There are many ways of being affected by swallowing dust, and they are not confined to caustic or corrosive dust. I am told by timber mill workers that the dust from the timber causes a great deal of irritation and disabilities such as ulceration.

The Minister for Education: I agree with that.

Hon. A. H. PANTON: The Minister may also agree that at the end of the clause the words "ray burns" should be inserted. Workers such as locomotive engine-drivers tell me that they suffer a considerable amount from sunburn—which is known to the medical fraternity as ray burn—and skin diseases are set up, often necessitating the person affected being away from work for some time. Men doing oxy welding, in particular, suffer from ray burns. I therefore suggest that the words I have mentioned be inserted. Complaints such as these must be proved by the worker to have been caused at work, and that is sometimes hard to do.

The Bill provides a rise from 50 per cent. to 66 2/3rds. per cent. in the payment, but it is felt there may be some men—there may not be any—who at the moment are drawing a weekly payment based on the £750 maximum, which now goes to £1,250 for total disability and £1,000 on death. One man may be receiving payment on the £750 basis and his mate, who might be injured after the proclamation of the measure, would receive payment on the 66 2/3rds. per cent. basis. I would ask the Minister to make provision for such men as from the date of the proclamation of the measure. I admit it is difficult to frame an amendment for that purpose and I know Mr. Turnbull got a headache out of it. We suggest a new clause, to stand as Clause 15, to read—

The provisions of this Act shall apply to the worker who at the date of the coming into operation of this Act is in receipt of a weekly payment through total or partial incapacity from work resulting from any injury.

That seems to be a comprehensive amendment, and I think it can be said to cover the case of death where a man or widow is being paid on the weekly basis of the £750. Since the 1944 amendment of the Act, which provided for a lump sum settlement after six months, I believe most workers have endeavoured, to a large extent successfully, to obtain the lump sum settlement at the end of the specified period. There may not be a large number of such people, but I feel that to do justice to those concerned —they have been injured in industry or they would not be drawing workers' compensation —the Minister should give this matter consideration. There are *not a great many* important alterations required to the Bill and we agree wholeheartedly to many of its provisions. There are a great number of machinery and consequential amendments that make the Bill appear much more formidable than it really is. It is largely a machinery measure, once the principles of the board are agreed to. Our only object is to make what we consider a good Bill a little better.

On motion by the Premier, debate adjourned till a later stage of the sitting.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Returned from the Council without amendment.

BILL—WHEAT POOL ACT AMENDMENT.

Received from the Council and read a first time.

BILL—NEW TRACTORS, MOTOR VEHICLES AND FENCING MATERIALS CONTROL.

Council's Amendments.

Returned from the Council with schedule of nine amendments which were now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—Insert the word "and" before the word "may" in line six:

Hon. A. R. G. HAWKE: Are there any copies of these amendments available, Mr. Chairman? The amendment read out sounds quite simple, but later amendments may be more involved, and it would be difficult for the Minister or members to gain a real understanding of the amendments if they had to be absorbed simply from your reading of them. It is desirable that a few copies of the amendments should be available so that at least some members might have an opportunity of seeing what they are, and in order that they may be compared sensibly with the appropriate portions of the Bill.

The MINISTER FOR TRANSPORT: I agree with the remarks of the Acting Leader of the Opposition. I have been given notice of only two of the amendments, and I think it is desirable that they should be typed.

Mr. Marshall: Report progress to a later stage of the sitting.

The MINISTER FOR TRANSPORT: Yes, I think we must report progress.

Progress reported.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from an earlier stage of the sitting.

MR. FOX (South Fremantle) [5.52]: Like the member for Leederville, I welcome the Bill as it is an improvement on anything we have had before, and I can only hope that its passage will be as successful in another place as it will be in this Chamber. I feel sure that if the Government Parties are united, as they claim to be, anything which is carried in this Chamber should have no difficulty in passing through the other Chamber. However, that claim would not be substantiated if the Bill had a difficult passage in another place.

The Minister for Education: Do not be too pessimistic.

Mr. FOX: I am not being pessimistic. I am only wondering. In the past we have had reason for a certain amount of pessimism.

The Minister for Education: What workers' compensation Bills have not been passed successfully?

Mr. FOX: Blessed is he that expecteth nothing, for he shall not be disappointed. A number of amendments have been made since Mr. McCallum introduced a Bill in 1924, and as the member for Leederville said, that was considered to be one of the best Bills in Australia, although I believe the English Act is better than any in force in Australia at present. I understand that in the English Act, no limit is placed on the amount of compensation that can be paid for total incapacity.

We on this side of the House would like to see deleted from the Bill the words "by accident," because it is frequently difficult to prove that an accident has occurred. We should agree that anything which can be reasonably proved to be due to the employment of a worker should be compensable. Some diseases or complaints have a gradual onset, and workers often put up with them until they can do so no longer, and because they are not able to prove a specific accident as being the cause of the disease or complaint, in cases such as that no compensation is payable.

I have known of one case only where a worker has received compensation in such circumstances. Take men working in freezers. This will interest farmers who send fat lambs to be shipped. These lambs go to the abattoirs to be killed and are then put into the freezers. The workers frequently have to leave a warm atmosphere to go into the freezers, perhaps for two or three hours, and it is likely that they will contract a chill. In many cases where a worker contracts a chill, pneumonia may set in, but this may take at least 48 hours to develop. Lumpers go on board ship to load lambs, but the waterside workers' award does not make it obligatory on any worker to accept employment which will involve working in a freezer. That proves what the Arbitration Court thinks about workers entering freezers indiscriminately. A man who thinks he cannot stand up to it can refuse such employment.

The stevedores supply workers with special freezer suits to protect them and the boots for these freezer suits cost as much as £4 10s. per pair. These men frequently have to leave a warm temperature and enter a freezing chamber where the temperature is probably down to 40 degrees or less, and perhaps remain there for a few hours. Sometimes they may have to stop there all night, and then come out and go home, which means that there is a constant danger of their contracting pneumonia. In that case I think we could reasonably ascribe that to an injury received in a man's employment, but it would be very difficult to prove that it was the result of an accident. As I stated, I have known of one case only during my association with trade unions where we were able to prove that an accident had taken place. Unfortunately, the man concerned had a relapse and, because he had foolishly signed something without advice, he received about £18 or £19 only, although he was totally incapacitated.

I hope the Minister will take that aspect into consideration and strike out the words "by accident," and it will then read that a worker is entitled to compensation for injury arising out of or in the course of his employment. I am pleased to see that the Bill contains provision to ensure that a worker is paid from the time he leaves home to go to work. That is only just, because when a worker leaves home he is doing something in connection with his employment. He leaves home to go to work. I think we should also provide for cases where workers meet with accidents during a meal hour or smoke-o, provided they are on the job. That is only reasonable.

The Minister for Education: I think you will find that the law provides for that if a worker stops on the job.

Mr. FOX: No, it does not. If a worker meets with an accident during a meal hour, he is not paid compensation. I was interested in a case where a man working in a gang had an unusual experience. It was the usual custom for one of the men to knock off 10 or 12 minutes before 12 o'clock and make the tea for the whole gang. This man hopped on a lorry to go up to the coppers to get hot water to make the tea and he was knocked down in transit. The man was covered by the State Insurance Office but they repudiated the claim and the case was taken to the Fremantle court where the judgment went in favour of the worker. On appeal to the Supreme Court, judgment went against the worker, but the High Court upheld the original judgment. That accident occurred during the time the

worker was employed, and he left his job to do something for his employer. We would not be doing any harm if provision were made in the Bill that while a worker is on the job, or during smoke-o, he should be entitled to receive the benefit of the Workers' Compensation Act. He is on the job for the benefit of his employer, and it is just a break during the meal hour. Should anything happen to him for which he was not responsible, to cover him would be only reasonable. The same would apply to anything happening during a smoke-o or while a man was travelling to or from his work. With regard to the last-mentioned phase, there would have to be restrictions and the man would not be allowed to roam all over the place when going to, or returning from, his work. He would have to go straight to the job or straight home. If something were done along those lines, it would be a step in the right direction.

Then there is the question of the worker who has suffered the loss of the full use of a limb. As it is now, if a man were to suffer an injury to the lower part of his leg, he would not be able to claim any more should he meet with another accident to that limb. Where a worker has lost a percentage of his efficiency owing to an injury to a limb, say to the extent of 15 or 25 per cent., it would be unfair to hold that against him if he were to suffer another injury to that limb. In the past many men have been assessed as having lost 15 or 20 per cent. of the efficient use of an arm, for instance, and I always took it that the compensation paid to them was made available in order that they might adapt themselves to their altered conditions of work.

Obviously when a man suffers such an injury, it is more difficult for him to perform the work upon which he was employed prior to the accident. In course of time he becomes accustomed to his altered condition, and the effects of the injury wear off. Members will realise that it is most difficult to assess accurately the percentage disability suffered by any worker as the result of an injury. A foot-rule cannot be applied so that the assessment can be readily fixed. I am not being disrespectful to the medical profession when I say that a doctor's assessment of the percentage of disability can only be a guess. It is in the nature of an estimate.

A man may go to a doctor and, after an examination, be told that he has suffered a loss of 20 per cent. in the efficient use of his injured arm. The worker takes the matter up with the insurance company which sends him to another doctor—that is the usual practice—and later a certificate is made available assessing the man's loss of efficiency at 10 per cent. That shows that there can be a difference of opinion between doctors respecting the one specific injury, and it is most difficult to assess exactly the damage suffered. We should not consider a man's loss of limb bit by bit, and then wipe him off altogether. We should give him a chance to recover so that he may be able to carry out his work properly. We should not have regard to his loss of efficiency at all, unless an appreciable portion of the limb had been removed altogether.

We should look at the matter from the standpoint of providing an incentive to men to continue work. They should be encouraged to resume their normal tasks. When a weekly payment used to be made available from the lump sum compensation due to a worker, I always considered that that course was adopted to enable the man to fit himself to undertake his ordinary work in the course of time. However, I hope the Minister will give some consideration to this matter. I do not know whether it refers to the First Schedule or the Second Schedule or to both.

Then there is the discrimination that is made between the loss of a left arm and the loss of a right arm. There should be no such differentiation because for the manual worker the loss of one arm is practically as bad as the loss of the other. Plenty of men are left-handed or right-handed, and it does not mean a great deal to them. I cannot see why there should be any discrimination between the loss of either limb. There is another point which was referred to by the member for Leederville and that is, the provision for allowing three years within which to report an accident. At present it has to be done within 12 months. In common with the member for Leederville, I know of many instances where miners have left the goldmining industry and have secured work in the metropolitan area. After being down here for 15 or 16 years, or even longer, they have developed miner's phthisis. They contracted the disease while working in the

mines, and it developed gradually until the men died from that complaint. That has been proved conclusively.

I know of several instances where men who weighed 14 or 15 stone pined away and died weighing less than 7 stone. As long as it can be proved to the satisfaction of a medical board that a disease was contracted in an industry, it should be compensable. Every industry should pay for its victims, which is only reasonable. There is another matter relating to the Third Schedule with reference to silicosis and so on. I am not sure whether some industries that are carried on in the metropolitan area come within the scope of the Act or whether the Bill will place them in that category. There are dry crushing plants here that deal with copper and other metals. I believe they are just as injurious to the health of men employed there as are the mills on the Golden Mile. They may not be as bad, but still they are not far from it.

I understand that a district has to be proclaimed before such industries can be brought under the Act. If industries employing dry crushing plants do not come within the provisions of the Act, we should make a good job of this legislation by bringing them in now. At South Fremantle there is a dry crushing plant, a very dusty place, and after my experience in mines on the Golden Mile and elsewhere, I say candidly I should not care to work in that place. I hope that the Minister will give consideration to bringing within the Act all such industries located in the metropolitan area, at Bunbury and other towns, where men are subject to the ravages of dust and where disease could begin its onset. I understand that if a district is not proclaimed, a man suffering from dust contracted from one of those plants would not be eligible for compensation. I believe that is the position, though I am not sure.

Mr. Marshall: The industries in which disease may be contracted are mentioned in the Third Schedule.

Mr. FOX: I believe that the district also has to be proclaimed.

Hon. A. H. Panton: No, it is the industry, not the district.

Mr. Marshall: It does not matter. Go on with your argument!

Mr. FOX: I should like to be assured that a worker employed in a dry crushing plant in the metropolitan area would be covered, just as is a miner working on the Golden Mile or elsewhere.

Mr. Marshall: Cement workers are covered. There is no provision for proclaiming a district.

The Minister for Education: No proclamation of a district is required.

Mr. FOX: I always understood that it was.

The Minister for Education: If that is so, it is news to me.

Hon. A. H. Panton: It is the industry, not the district.

Mr. FOX: I think members will find that the district has to be proclaimed.

Mr. Marshall: Have your own way!

Mr. FOX: The Bill proposes that a worker suffering from hernia must undergo an operation within four weeks if required. That provision appears to be a little drastic. Most of us would say that a man suffering from hernia ought to undergo an operation, but we would not be the one affected. It is all very well to say what somebody else should do. Personally I believe that a man so suffering would be wise to have an operation, but some men are afraid of submitting to an anaesthetic and they should not be penalised because of that fear. The psychological effect on such a man would be considerable and he might die. I knew one man to be afraid of facing an operation and he died when the anaesthetic was being administered and before the surgeon had touched him. If a man is content to put up with the inconvenience of wearing a truss, probably for the rest of his life, we should not compel him to undergo an operation.

Provision is being made for a man suffering from hernia to be given compensation for 12 weeks. I suppose the doctors believe that after 12 weeks a man should have fully recovered from the effects, but the succeeding clause in the Bill provides that the board may continue his compensation if it considers that course to be necessary. However, that does not matter a great deal. The point I am concerned about is that some consideration be extended to a man suffering from hernia who does not wish to undergo an operation. Though an opera-

tion may be better for him in the long run, he is the one to make the decision and, if he decides against it, we should not force him.

I do not know whether the matter I am about to mention is within the scope of the Bill or whether the State Insurance Office is mentioned, but if we are going to give the workers of this State a really comprehensive compensation law and provide for some of the things set out in the Bill, such as providing light work for men unable to do heavy work, I maintain that all the insurance should be done through the State Office. I see no reason at all why we should have a multiplicity of insurers for this business. Let us concentrate the business in one office and let this apply to farm employees and all other workers. It is not a matter of socialism or anything of that sort; it is a matter of pounds, shillings and pence. To give the State Office a monopoly would ensure that the business was done in the most efficient manner. The only efficient way is to have the State Office doing the work at cost price. If that office had a monopoly for a year or two, I feel sure that it would be able to reduce the premiums.

We know from experience that the State Office has had to undertake all the bad risks, such as mining. Other insurance companies were not keen about accepting such business. The State Office also had to undertake the insurance of waterside workers, amongst whom many accidents occur. The rate of accidents on the Fremantle wharf was at one period 1½ per day, some being very serious and some trivial. The question of interference with private enterprise should not be allowed to enter; we should consider merely the welfare of the State and of the workers who are injured.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. FOX: Before tea, I was remarking that workers' compensation should be a national undertaking, as it is of vital importance to the whole nation and should not be left to private companies to make profit out of it for shareholders. We should do our utmost to ensure that we have the best compensation Act possible and that can only be done by leaving the State Insurance Office to undertake all of this insurance. The Bill provides that no member of the proposed board shall engage in outside work without the consent of the Minister. In my opinion no member of the board should be allowed to engage in outside work. No member of the Arbitration Court does so; and, if this board is to function properly, then those appointed as members of it should confine themselves entirely to the work of the board. In doing so, I consider they will have a full-time job.

One subject with which I shall now deal relates to the reference of claims to a medical board. I am of opinion that only questions strictly in accordance with the Act should be asked of the board. A board is asked to determine a man's fitness for work; but in many cases insurance companies insist on asking another question, namely, how much longer will the incapacity continue? Any doctor who mentions a period in such a case would be making a pious guess. I hope the Minister will see that that question is specifically cut out. It is time enough to say that the worker is fit for work when the medical board agrees that he is; the board should not be asked to say that he will be fit for work in six months or 12 months, or in any longer or shorter period. I heard a doctor state, in connection with a compensation case, that the worker would die within three months. In fact, a doctor bet me a hat that one worker would not live more than three months, but he lived about 12 months. Therefore, doctors are only making a guess if they state a time within which a man will recover from the effects of an accident. I hope the Minister will give this point careful consideration.

Another question is that of a small contractor who, if his worker meets with an accident, tells him he will have to wait until he is fit for work before any payment is made to him. That makes it very awkward for the worker, because his only remedy is to take the matter before the court. There should be a provision in the Act to the effect that if a worker is not paid promptly he may appeal to the board, whose decision shall be final. If the worker is entitled to payment, he should be paid. In regard to the question of an injury arising out of or in the course of a worker's employment, I wish to quote a case that occurred not very long ago. An engine-driver had a duodenal ulcer of long standing. He continued working and collapsed on the job. After protracted negotiations, compensation was paid.

In this case it was difficult to prove that the engine-driver had died of an injury arising out of and in the course of his employment. In jumping up and down from the engine, he had a tendency to strain himself. Eventually, as I said, he collapsed, was operated on and died. I feel sure there are similar cases where a man suffers from some pre-existing injury and the strain of his work causes him to collapse. He may not die, of course, and unless he is able to prove that he met with an accident —and if no-one is with him at the time he cannot prove it—he or his dependants may be deprived of compensation altogether. The Bill is mainly a machinery one and I shall reserve anything further I have to say on it until we reach the Committee stage.

MR. HEGNEY (Pilbara) [7.36]: I do not propose to deal extensively with the provisions of the Bill because, as the member for South Fremantle said, much of the discussion should rightly take place in Committee. I desire to express to the Minister the appreciation of the representatives of the trade unions on the way he received their deputation. From what the Minister said when introducing the Bill and from my observation of his attitude to the proposed amendments, I pay him this compliment: I sincerely believe that he hopes the Bill will be passed as printed, but that he will give serious and favourable consideration to the amendments forecast by the member for Leederville. I interjected a little while ago, when the Minister referred to an earlier Bill, that I did not propose to speak on it in connection with this measure or to make any comparison, because, as I said, I believe the Minister is sincere in his desire that this Bill should be more in line with 1948 thought.

When introducing the Bill, the Minister also said that Western Australia was formerly in the lead as far as social legislation of this kind was concerned, but that it had lagged behind in some directions. This Bill, from my examination of it, will in a large measure bring Western Australia more into line with the Eastern States. If one compares the amounts in the Second Schedule of the present Act with the Royal Commission's recommendations that have been embodied in the Bill, one might be led to believe that the improvement is phenomenal. I do not make that remark in order to speak in a derogatory manner concerning the provisions of the measure, but as an argument to ensure that it will be generally understood that those provisions are only in line with what prevails in the Eastern States.

If we compare the basic wage and the purchasing power of 1937 or 1938 with those of today, we discover that there is a vast difference. In rough figures, £1,000 today would have been worth no more than £650 or £700 a few years ago. So while the Bill is an attempt to bring our Act into line with those in other States, it is by no means extravagant or revolutionary.

Mr. SPEAKER: Order! There are too many private conversations taking place in the Chamber.

Mr. HEGNEY: I hope that the provisions of the Bill will be agreed to by this Chamber, and that the measure will receive that reasonable consideration in another place which it deserves. I trust that for the benefit of the workers of the State the Bill will become law. The main improvements are those in connection with the definition of "worker." The members of an employee's family will be entitled to be regarded as workers under the provisions of the measure. The amounts specified in the Second Schedule seem to me to be in reasonable proportion. I hope that the amendment on the notice paper in the name of the member for Leederville, with regard to proportionate loss of hearing, will be agreed to in Committee. An amount of £250 is mentioned for partial deafness in both ears. I think there is room for improvement, and I do not fancy that the Minister or any member will take umbrage at the proposal to improve that provision.

The Minister for Education: If you will look at the supplementary notice paper, you will see that I have dealt with the matter.

Mr. HEGNEY: I am very pleased at the Minister's remark. The amounts in the First and Second Schedules are in line with those provided in Queensland and New South Wales. I do not propose to make a detailed comparison, because the Minister did so in his second reading speech, and that is a matter which may be more appropriately dealt with at the Committee stage.

One point on which I would like to touch is the insurance cover for workers to and from their place of residence. This is

not the first time that an attempt has been made to include such a provision in the Act. Those who have been opposed to this improvement have used as their stock argument that an employer or insurer should not be responsible for injuries which a worker might incur outside his ordinary working hours, since he might visit the local pub on the way home, stay there an hour or two and get into a brawl in which he would be hurt. That has been the stock argument. But I believe that the view of members generally is that this innovation is worth a trial; that the great percentage of workers go from their place of employment to their homes immediately after ceasing work just as do members of Parliament, and on their way from their homes to their place of employment do not deviate unduly. From my examination of the measure, the compensation board would, if set up, be able to ensure that there was no abuse of this particular provision. A worker who leaves his place of residence and proceeds to his place of employment, or vice versa, should be covered both ways; and I consider there should be no serious objection to the proposal in the Bill.

I am glad the member for South Fremantle made the point that workers should be covered during any interval between the starting-time and the recognised knocking-off time. I am thinking particularly of the dinner hour. Here again reason can prevail; and if during the lunch hour a worker meets with an accident, he should be entitled to cover. There have been cases decided with respect to this aspect of employment; and unless one could prove that an injured worker was acting in the course of his employment during the lunch hour he would not be—though I am open to correction on this point—entitled to receive compensation.

I have vivid recollections of a case that occurred nine or 10 years ago in which a ganger on the railways at Waroona was killed during the dinner hour. He was a member of a railway union, but was working under an A.W.U. construction agreement which provided that a ganger was entitled to a certain margin over the basic wage without overtime. This man was crossing the railway line during the dinner hour and was run down by a train. His widow claimed compensation, but the magistrate in the local court turned the case down. The matter was taken to the Supreme Court, and the solicitor for the widow failed there also. The case was then taken to the High Court, which ruled that as the ganger was entitled to be called on during the dinner hour, he should receive compensation.

It was pointed out that if the inspector came along and asked the ganger to show him what progress had been made, the ganger would be required to leave his lunch and conduct the inspector around. Those were the days of part-time work and the ganger would be required to show incoming men to which tents they were assigned. He was also required, even though it might be at mid-day or midnight, to ensure that straying stock were put off railway property.

On the evidence thus submitted, the High Court upheld the solicitor for the applicant, with the result that the widow received £600 compensation. That was a case in which it was definitely proved that the employee was at the service of the employer for practically the whole round of the clock. It can be said, too, that if an employee is in the habit of doing certain messages for his employer on his way home after he has knocked off, he should be entitled to compensation if he meets with an injury arising out of or in the course of his employment. I believe the provision in the Bill is only a step in the right direction to ensure full cover for workers, and I hope that if an amendment is suggested in the Committee stage for covering workers during the lunch hour, it will not be seriously opposed.

I do not propose to go deeply into the matter raised by the member for Leederville in connection with the deletion of the words "by accident." Suffice it to say that at present, outside of certain industries, a number of workers who, over a period, contracted certain maladies and were obliged to cease work through disablement, are not entitled to compensation because they cannot prove they met with an accident during the course of their employment. I believe the Minister indicated that the alterations to the Third Schedule would, to a great extent, compensate for the deletion of the words "by accident," but I do not think the compensation would be all-embracing. I understand that those words are not included in either the Queensland or the New South Wales Acts. I know the Minister is anxious that all

injuries, disablements or diseases peculiar to certain occupations, that are not now covered, should be covered. I hold the view that if the words "by accident" are struck out, the position will be all-embracing and will ensure that those not now covered by compensation, in certain cases, will be in future.

I believe the establishment of a workers' compensation board would be an improvement on the existing order. With it we would have unanimity in the matter of claims, and a tendency for less litigation, together with expedition in the finalising of many claims. I have paid more than one tribute to the officers of the State Insurance Office for the zealous way in which they carry out their duties and the attention they give to the claims they receive, and I have found the same thing with many of the private insurance companies, but I would say, in a general way, that I know of some cases where attempts have been made to deprive injured workers of their rightful compensation. I have in mind one case of a station worker, a fairly old man, who fell from a horse. He came to Perth. He had an impediment in his speech.

The insurance company was going to pay him off with £40, and his fare back to Sandstone. I might say, in passing, that he did not belong to a union, but a member of the A.W.U. who was a "cobber" of his happened to meet him, and he brought him round to the A.W.U. office. I had him examined by one of the leading doctors in Perth, and his injuries were found to be such that he was entitled to the sum of £475. I believe that with a workers' compensation board, some of these matters would be adequately dealt with. It was said earlier in the debate that there is a great discrepancy between the assessments of doctors. I could quote a number of instances, but I shall not weary members by doing so.

I shall mention one case. In this instance a lad lost the greater part of the use of a joint of a finger. One doctor who attended him awarded him 25 per cent. disability, which meant that he was entitled to 25 per cent. of £90, or £22 10s. I advised him not to accept the money. He went to another doctor who awarded him 75 per cent. The insurance company—and rightly so—declined to accept the 75 per cent. and we agreed that he should go to another doctor. As a matter of fact, he went to Dr. McKenzie who issued a certificate stating that he was 100 per cent. disabled as far as that joint was concerned, and he received the full sum of £90. That was actually no-one's fault, but I believe that a workers' compensation board, as set out in the Bill, would mean a big improvement on the present method of dealing with workers' compensation insurance.

I notice, too, that there is provision for the board to take action for the prevention of accidents in industry. The more employers who address themselves to the question of the prevention of accidents in industry the better and more economical it will be for industry generally. I am hopeful that the provisions dealing with the workers' compensation board will be passed by this Chamber. Fairly adequate provision is contained in the measure to deal with hernia. Those of us, including the insurance companies, who have had anything to do with compensation payments, know that this is a difficult problem to overcome. It causes many arguments, much debate and a certain amount of litigation. The commission gave a lot of consideration to this aspect and I understand that the provisions of the Bill are more or less in line with its recommendations.

In conclusion I would like to say that, as far as I am aware, the Royal Commission did a very good job. The Australian Labour Party made representations to the Government for the inclusion of a direct representative of the A.L.P.—that is, of the industrial unions—on the Royal Commission, and I am exceptionally pleased to know that the Government used a good measure of commonsense and agreed to appoint such a man as an assessor. The particular person appointed, because of his experience, was very helpful to the commission. If as a result of the Royal Commission's report and the subsequent introduction of the appropriate Bill it passes this Chamber and another place, substantially as it was introduced, I think it will be of considerable benefit to the workers of the State, and it will be another indication that the workers—those who carry to a large extent the burden of industry—are not being treated just as a commodity, but as human beings.

The more that social legislation of this character is dealt with on a modern-day

basis and the more consideration is given to the human element in industry, the better will be the relationship between employer and worker, and the greater the amount of goodwill that will eventually ensue. I hope the Bill will pass without much amendment, other than what has been indicated by the member for Leederville. I sincerely trust that another place will deal reasonably with the measure and that it will eventually be placed on the statute book.

MR. MANN (Beverley) [7.58]: As one who was a member of the Royal Commission, I want to raise one or two points. One of the most important terms of reference was—

> 1. Whether there can be initiated in Western Australia a social service which, with or without modifications, additions and safeguards, may embrace the following features:—
>
> (a) Compensation to all employees throughout the State during any period of incapacity for work, whatever the cause or circumstances of the incapacity, and notwithstanding an absence of insurance cover.

That gave the commission a lot of thought, and I am sorry to see in the Bill the particular clause under which the employee will be insured from the time he leaves home until he returns.

Hon. J. B. Sleeman: What is wrong with that?

Mr. MANN: The hon. member has made his speech, let me make mine.

Hon. J. B. Sleeman: I have not made one yet.

Mr. MANN: The hon. member may do so later if he wishes. We investigated very thoroughly the question of total insurance, as contained in the reference, and we found it would cost industry £500,000. Speaking for the three of us who were members of the commission before the assessors joined us—our view was that we should arrive at a basis that would provide better conditions for the worker without placing an impossible burden on industry. If the Bill be passed while still containing the clause to which I have referred, industry will indeed have a heavy burden to bear. It is no use passing a measure under which one section of the community would bear the whole cost, as that would be harmful to the economic structure of the State. If the present Opposition were in power it would be very careful of legislation of this kind. It realises that industry must exist, whether run by the State or by private enterprise. There may be some political issues or party questions raised, but I am satisfied that if the Opposition were on the Government side of the House today it would be very wary of legislation such as this.

I was sorry to see the Minister bring down the Bill in its present form as I think we all desire to have passed through both Houses a measure that will be of benefit to both the employers and the employees. Most employers provide safeguards in their factories for the protection of the workers. The commission visited many factories and in the majority of them such safeguards were provided, yet there is nothing in the Bill to say that a worker must avail himself of that protection. I saw one factory where certain material was being placed in sulphuric acid, and the men handling it were provided with rubber boots and gloves. One man was not using the boots or gloves and, when the Chief Inspector of Factories asked him why, he said he would not use them. Many accidents are caused by neglect on the part of the employees.

Mr. Fox: Some men cannot wear goggles.

Mr. MANN: While on the Goldfields evidence was given the commission by the miners' union that it had to force the men to use safety measures. Where men refuse to protect their own bodies by utilising the safeguards that are made available the law should provide penalties, but the Bill does not state that an employee must protect himself in that way. An enormous number of accidents are caused by the contempt of the employee for the work he is doing. He is quite used to it and is so satisfied that he can do it well that he does not see why he should wear goggles, for instance, or gloves. I am a farmer and I know that farm work embodies many dangers, yet while doing that work I never think that I will be involved in an accident. Any man is likely to be injured in the course of his work, and I therefore hope the Government will make provision in the Bill for a penalty for employees who do not avail themselves of the safeguards provided.

Mr. Marshall: Under the parent Act an employee cannot claim compensation if his injuries are due to neglect on his part.

Mr. MANN: It has to be proved that he was not protecting himself. We are all human and are apt to take the line of least resistance. Another point I would raise is with regard to the term "accident." We made a thorough investigation of that aspect. If the word "injury" alone were used, where would it end? That would make the provision a purely social service order. It must be realised that there is a limit to what any State or industry can stand.

Mr. Fox: You are a bit of a socialist, because you would throw the responsibility of the employer on to the State.

Mr. MANN: It must be remembered that there was no minority report by any member of the commission, although it included a representative of the Trades Hall. Mr. Hodsdon was agreeable to this particular recommendation.

Hon. A. H. Panton: But you recommend that "by accident" be taken out.

The Minister for Education: That is on certain terms, which I will discuss later.

Mr. MANN: There arises also the question of malingerers. There are many old soldiers in this House, and they will recall the malingerers who stayed in hospital instead of going back to the front line.

Hon. A. H. Panton: That applied only to the Light Horse.

The Minister for Education: I think we all do it sometimes.

Mr. MANN: Instances of malingering were given in evidence before the commission. One man was able to draw £2,400 for an injury to his arm. When the doctors suggested that the arm be removed, this man said, "No damned fear, it is too good to me for compensation."

Mr. Fox: That would be one case in a million.

Mr. MANN: We found many remarkable cases among the evidence that was given. I would suggest that the next Royal Commission appointed to inquire into workers' compensation should have for its chairman the member for South Fremantle. I would love to see his report. It would be the most biased and narrow-minded document ever presented to this House.

Mr. Fox: Is that your idea of being just?

Mr. SPEAKER: Order!

Mr. MANN: The commission tried to arrive at recommendations that would be of help to both the employer and the employee. I am most concerned about the unfortunate man who is disabled for life, and I would recommend that a substantial sum be paid to him, or to the widow and children of a man who loses his life. I would like to see a larger sum paid to a widow for the loss of her husband through accident or injury. The commission had a difficult task and it was not easy to decide what would be satisfactory to all the parties interested. I am sorry that the Government has placed in the Bill provision for insurance of employees while travelling to and from work, and that there is no provision to force employees to accept their responsibility to themselves and to the State. The commission realised that one of the biggest problems was to have in the State crippled people who could not work. The lives of many young men and women are ruined because of accident, and in many cases when the people so injured are of a sporting type it becomes a real tragedy. I would like to see some means of rehabilitating these injured people because that is one of the most important aspects. Every assistance should be given to bring them back to a normal state of health even if a limb is lost.

The commission also found that the hospital accommodation for people injured in accidents was insufficient. In most cases private hospitals will not accept such cases because of the question of fees. I would like to see some portion of the Royal Perth Hospital set aside for accident cases. I hope the Bill passes through both Houses and that some means of rehabilitating these people, such as was the case in the Army, will be found. We had instances when taking evidence of where the total amount of compensation was paid to a man apparently without justification. The doctor gave as the reason for this that the man had a fear complex and that he would never get well. Such people are not malingerers or trying to put it over the doctor, but this type of person, when he receives a serious injury, develops a complex and never recovers from it. That is

the reason why many people have been paid full compensation to which they really have not been entitled.

Mr. Fox: Such a type will never get well.

Mr. MANN: The hon. member has made his speech and I intend to make mine. I hope the Bill will go through this House and I am certain—

Hon. J. B. Sleeman: Do you not think it will go through the other one?

Mr. MANN: When the Bill reaches the Committee stage, I will oppose those portions of the Bill to which I have referred and I trust that the Government will make some move to see that the employee protects himself.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Katanning—in reply) [8.13]: I wish to thank members who have spoken on the Bill for the very friendly reception which they have given it.

Mr. Marshall: What about those who have not spoken?

The MINISTER FOR EDUCATION: I have no doubt that there will be further discussion in Committee and I shall do my best to deal with the aspects raised. It is only fair to members who have spoken, and possibly to the member for Murchison who very kindly has not, to make some reference at this stage to the proposed deletion from the Act of the words "by accident." I did not enlarge on that aspect during the second reading speech in so far as I covered the ground in reference to the alteration to the Third Schedule, and one or two other contingencies which I contended would have the effect of being sufficient to warrant us excluding the words "by accident" from the terms recommended by the Royal Commission. I use that phraseology advisedly. I say "on the terms recommended by the Royal Commission" because the Royal Commission recommended as follows:—

> Delete the words "by accident" appearing in Subclause (1) and make necessary subsequential alterations throughout the Act and Regulations thereunder, and insert a definition of "injury" under Section 4. For this purpose see definition as contained in New South Wales and Queensland Acts.

If we were to delete the words from the Act it would mean that we would have to take into the Western Australian legislation the definition of the word "injury" contained in the New South Wales Act. The definition of "injury" in the New South Wales Workers' Compensation Act, is as follows:—

> "Injury" means personal injury arising out of and in the course of the employment and includes a disease so arising whether of sudden onset or of such a nature as to be contracted by gradual process other than a disease caused by silica dust.

So the injury is going to be one which will arise out of and in the course of the employment, and not only must it take place while the man is at work, but it must also be occasioned by the work which the man is carrying out. If we delete the words "by accident" from the Western Australian law it is entirely different, because Section 6 of the Western Australian Act provides—

> If in any employment personal injury by accident arising out of and in the course of the employment . . . . .

Therefore, the injury must arise either as a consequence of the work, or during the time that the man was working. It can arise out of it and also while the man is working. Either contingency will suffice to make him compensable under the Western Australian law. If we adopt the recommendation of the Royal Commission to the extent of including, as we then should have reasonably had to include, the definition of "injury" in the Western Australian Act, we should make the provision that the disease or injury resulting therefrom would have been compensable only if it had arisen as a direct result of the employment—

Mr. Hegney: From what Act are you quoting?

The MINISTER FOR EDUCATION: I am quoting from the 1929 Act which is the latest one available to me. It is the one I have been using and if there is a later one I am not aware of it. The situation is that if we are going to delete the words "by accident" in the Western Australian legislation with the use of the words "also arising out of or in the course of the employment" we are going to run a substantial risk, in some cases, of making our compensation benefits more in the nature of a sickness benefit fund than a compensation fund for injuries received in the course of a man's employment or arising therefrom.

I wanted this Bill to become law, and I could see that one of the greatest obstacles to its becoming law was to place in it a

provision which would substantially enlarge the principles upon which this aspect of workers' compensation had been considered. It seemed far better to me, and those who advised me on the matter, to endeavour to enlarge the Third Schedule to the Act to include as many diseases as were likely to arise out of the employment of anybody in any industry that we could reasonably cover, and content ourselves with that. It would, in my opinion, and I think in the opinion of every member of this House, represent to that extent a very substantial degree of improvement in the position. The whole measure is meant to be progressive; it is not meant to be perfect. I venture to say that if we could sit and deliberate in this House for ten days on the matter we would still find some question which somebody could bring up and not find himself in agreement with. So I hope that members will not unduly press this question, because if we are to accept the deletion from the Act of the words "by accident" then it would certainly be necessary to insert a definition of "injury."

I think that the steps we have taken—I will not call them concessions—and the progress we have made in this matter are sufficient for this one attempt. I believe that the Bill in its present form, and with those amendments, some of which I have already told the member for Leederville I am agreeable to, will be acceptable to both Houses of Parliament. But if we proceed to take action too quickly in this matter, I shall be in a difficult position because I cannot bring myself to believe that at the present time it is advisable to make this substantial alteration. I feel certain that it will result in something more difficult than I desire to see take place. My desire was to carry out substantially the recommendations of the Royal Commission.

I regret that it has not been practicable to put into effect the recommendation made as to Part V dealing, of course, with the Miner's Phthisis Act, the Mine Workers' Relief Act and the Workers' Compensation Act. Members knew the reasons for postponing consideration of that question. With that exception, I think members will agree that there is little, if anything, in the report of the Royal Commission that we have not accepted or, at least, made some substantial move to accept, resulting in a measure that should finally be passed by both Houses. Other matters I shall deal with to the best of my ability in Committee. Once again, I thank members for the reception given to this Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment to Section 4:

Hon. A. H. PANTON: I listened with a great deal of interest to the Minister's reply, and I am sorry that he has not convinced me that the words "by accident" are not going to be a stumbling block as much as they have been in previous years. Personally, I would prefer to take the risk of adopting the definition of "injury" contained in the Queensland and New South Wales Acts rather than the words "by accident." I feel we must take notice of the practical experience we have had which, after all, is the main thing. When one is dealing with compensation cases day in and day out and the difficulty that arises through the words "by accident" appearing in the Act, the only reasonable conclusion that can be reached is that they are a stumbling block to the people affected. I think the Minister honestly believes that it will be preferable to leave the words in the Act. I do not entirely agree that one of the reasons is because the Legislative Council will have some diffidence in passing the measure.

The Minister for Education: I will take a chance on its desirability, but I am not going any further.

Hon. A. H. PANTON: That is another reason; I am not concerned with what the Legislative Council might do. I appreciate the way the Minister introduced the Bill, but I cannot shake off the feeling that by retaining these words we are going to do a grave injustice to those people who become disabled other than by a distinct accident which has to be proved under our present legislation. I move an amendment—

That in line 5 of paragraph (a) after the word "Act," a new paragraph be inserted as follows:—"(aa) Substituting for the word 'accident' in lines 5 and 6 of the definition of 'Dependents' the word 'injury'."

The MINISTER FOR EDUCATION: As the hon. member knows, I am unable to accept this amendment, and we can, I think, debate it without any heat. The situation as I see it is this: The employer is, and should be, rightly responsible for detriment from the nature of injury to a worker engaged in the industry which the employer conducts. Under the Workers' Compensation Act, 1912-44, there is no question whatever but that the employer is responsible to that extent, except perhaps in one or two cases such as those referred to where difficulty and exceptional circumstances arise. Everyone knows it is extremely difficult to legislate for that type of case. On the other hand, to allow this substitution would undoubtedly bring under the heading of compensable cases a great number of instances where the injury had not been caused by anything having relation to the employment of the worker in the industry.

Hon. A. H. Panton: Do not you think Clause 6 fixes that?

The MINISTER FOR EDUCATION: I do not. If the paragraph be inserted—and this deals with the principle involved in many of the amendments of which notice has been given—we shall have a situation where a large number of cases will become compensable, whereas the injury received had nothing whatever to do with the work in which the man was engaged. This would mean, not making a compensation Act to go on the statute book, but commencing something in the nature of a sickness benefit fund.

I am anxious that every worker who can establish that the injury he is suffering has been caused by the work in which he is engaged and the legitimate carrying on of that work should be compensated, but to extend that principle to go much further and create a sickness benefit fund, even in a proportion of cases, would be ill-advised. At one stage in the history of the Commonwealth, argument could have been adduced that, in the absence of such a provision as this, the worker in doubtful cases would have been reduced to penury, because there was no fund that could be called a national sickness fund. At present, however, there is such a fund and these cases can reasonably be dealt with, provided that they have not arisen directly as a result of the employment in which the worker is engaged.

Doubtless many of us enter this House suffering from a defect of some sort in our physical make-up and it may be that death will result from the defect while we are sitting here, but I do not think anyone could justifiably contend, suppose there were a member of Parliament compensation fund, that if death were entirely attributable to that congenital trouble, the dependants of the deceased should be entitled to compensation out of that fund. The malady that caused death would have had nothing whatever to do with the employment of the member, but would have been a natural physical defect, and therefore would amount only to sickness such as might occur to one sitting in his dining-room at home or somewhere far removed and having nothing to do with the employment in which he was engaged.

So it should be obvious that to widen this provision could result only in bringing under it cases that are not in any way associated with the work in which the employees are engaged but arise out of natural physical defects, which may have been occasioned, not by any employment, but perhaps by his own neglect, or by circumstances entirely extraneous to any employment in which he was engaged. While I would be quite prepared to consider extensions to the Third Schedule where warranted to ensure that diseases or injuries that may arise as a consequence of the worker's employment should be compensable, I cannot agree to the general principle that there should be no criterion other than that a worker in the course of his employment happened to be taken ill or possibly died and then, quite irrespective of the source of his trouble, whether due to natural causes of many years' standing or of more recent date, that he should be compensated.

If I approved of that, I should be going beyond what is reasonable and what should properly be covered by a compensation Act, however that cover might be extended in regard to injuries arising out of or in the course of a man's employment, thus including cases which would more probably come under a sickness benefit fund. The position, as I have explained, has altered in recent years, because of the provision made by Commonwealth legislation. Therefore I hope the amendment will not be pressed.

Mr. HEGNEY: I hope the amendment will be passed because it is necessary in the interests of the workers. The New South

Wales Act of 1926-47 defines "injury" as meaning personal injury arising out of 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. The Minister indicated that the word "and" was used in place of "or."

The Minister for Education: Yes, but it does not alter my argument.

Mr. HEGNEY: The Queensland Act defines "injury" as personal injury arising out of or in the course of employment and includes a disease which is contracted by a 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.

The Attorney General: That includes the words "contributing factor."

Mr. HEGNEY: Our desire is that the definition shall be all-embracing. At present, workers are subjected to disabilities in industry which are not accidents covered by the Act. Our contention is that if a worker is disabled during the course of his employment and the disablement is of a progressive nature, he should be compensated. There is a disease or malady known as "beer rot." Barmen and barmaids are subject to it; it is caused through having their hands immersed in water. "Beer rot" is not an accident within the meaning of the Act. I quote another case, that of a spaller who uses a heavy hammer. He starts work in quarries and later on has to seek medical attention. The doctor finds that his heart is strained as a result of his employment, but that is not an accident within the meaning of the Act. Should not that man be compensated?

The Minister for Education: I think any workers' compensation board would agree with you entirely.

Mr. HEGNEY: In the case I mentioned the worker was compensated; but other workers might not be. There is a complaint which men incur in the shearing industry, I think its name is furunculosis, but the lay name is yoke boils. Shearers contracting this complaint should be entitled to compensation. Men working in the metal trades and in some branches of the building trade are subjected to certain disabilities for which they cannot be compensated under the Act as it stands. I have here a statement respecting certain cases that occurred in New South Wales. Over a certain period 45 men contracted industrial disease in the sandstone industry, as did 16 quarrymen and 97 miners. Those men would not have been entitled to compensation under our Act.

The member for Roebourne referred to metal trade workers and mentioned sand blasters, dressers, moulders and foundry labourers as types of workers who were subject to industrial disease. Men engaged in the mining industry, the ore-milling industry, brick, tile and pottery industry, abrasive manufacturing industry, asbestos, paint, and glass industries, are all subject to industrial diseases. Our contention is that they should be compensated. The argument has been advanced that a man might be afflicted with a certain complaint from his birth and that industry should not pay for something that did not happen in the course of his employment; but that would be the exception rather than the rule. It is but fair and reasonable that the amendment should be agreed to. If, after one, two or three years, it is found to be working to the detriment of industry and that there is room for improvement, the law could be reviewed.

The MINISTER FOR EDUCATION: I listened with interest to the observations of the member for Pilbara, although they have by no means convinced me that my attitude is incorrect. In view of the reasonableness of his argument, however, he is entitled in my opinion to such further views as I can give him on the questions involved in the amendment. If the amendment be agreed to, and the principle contained in it thereby adopted, it is only necessary for a progressive disease to reach its fatal stage in the course of a worker's employment to bring him within the provisions of the Act. Diseases such as cancer fall in that category.

There is a disease which I believe is known as coronary occlusion; it is an affection of the heart and does not arise out of a man's employment, but workers very often do suffer from it. The same remarks apply to cerebral haemorrhage. The member for Pilbara, in quoting an affection that had been incurred in a hotel bar, has wandered a good way from what a workers' compensation board or

court would be likely to do. I have here a copy of a judgment—if it be a judgment—of the compensation board of Victoria. The person presiding over that board is a county court judge of Victoria. In the course of the judgment he says—

> The reaching of a stage in a progressive disease may well constitute injury.

We all agree on that.

> Unless the reaching of the stage has been caused or contributed to by some agency extraneous to its natural progression, it cannot be held to have occurred by accident.

There is no doubt in my mind that the disability mentioned by the member for Pilbara could be proved, without the slightest difficulty, to be a disease of a progressive nature, but one contracted by something extraneous or outside its natural progression, to wit, the beer or water. Therefore there would be no doubt whatever in my mind that the compensation board would in that case and in similar circumstances compensate the worker. Having read that extract from the judgment to indicate the line of thought I suggest the hon. member might take in this matter, I shall read the whole of the judgment, which was a considered view on the difference between the words "injury" and "injury by accident." It is as follows:—

> If the inquiry were limited to the question whether he had suffered injury in the course of his employment it would readily be answered in the affirmative. What has to be decided is whether there occurred "injury by accident" in the course of his employment. The reaching of a stage in a progressive disease may well constitute injury. Unless the reaching of the stage has been caused or contributed to by some agency extraneous to its natural progression it cannot be held to have occurred by accident.

Naturally, therefore, if it has been contributed to by an extraneous agency it is an accident, and that is the point I am making.

> In this case the deceased worker suffered injury in the course of his employment. It has not been shown that he suffered "injury by accident" within the meaning assigned to that phrase by the authorities.

It is quite evident that had the words "by accident" been deleted from the Victorian Act, the board would have had to award compensation notwithstanding the fact that death was due to the natural progress of the disease. The point I wish to make is that I have no doubt, and I am convinced that no board would have any doubt, that if there were the slightest evidence that extraneous conditions had contributed to the progress of the disease, the worker would be compensable. In the circumstances, I am not prepared to withdraw my objection to the amendment.

Mr. STYANTS: This is one of the few occasions on which the Minister has departed from the recommendations of the Royal Commission, and I very much regret he has seen fit to do so. The Royal Commission did establish an alternative, and I would much prefer that alternative, which was the definition of "injury" as set out in the New South Wales and Queensland Acts and the deletion of the words "by accident." I think the Minister was unduly apprehensive when he said that if the amendment were carried there would be the development of something in the nature of a national provident fund or sickness fund; because in all these cases the board will be the deciding authority, and there will be no appeal from its decision as to whether a case is compensable or not. If a case were taken to the court under an Act altered in the form provided by the amendment, I have no doubt that a judgment would be given which would be regarded as a test case and a precedent, which in some cases would make it possible to bring about payments for certain diseases and more or less substantiate the fears expressed by the Minister. But the board constituted as proposed in the measure will decide whether an injury has been brought about in the course of a man's employment or has arisen out of that employment, without the inclusion of the words "by accident" at all.

There will be no appeal from the board's decision, so that there need be no apprehension that a great number of cases will be considered compensable if this amendment be agreed to. There is a disease for which I think the medical term is spondylitis, which affects men in the wood-cutting industry, particularly those engaged in loading firewood on the Goldfields. The disease is gradual in its onset and is caused by the lifting of heavy logs of green timber year after year from the drays into trucks and from the trucks out again. These logs, in many instances, weigh well over one cwt. The complaint gradually stiffens the joints of the vertebrae and eventually the worker is unable to follow his employment. He is afflicted with what is generally regarded as a very bad back. The spine becomes bowed

and he is unable to follow any occupation that requires a great deal of physical effort.

Under the Act, by the inclusion of the words "by accident," such men would not be entitled to compensation. There are other cases in which men lose a certain amount of employment through pneumonia. I remember a man in Kalgoorlie who received payment of compensation because he lost about six weeks' work in this way. He was brought within the provisions of the Act because a pipe burst immediately in the vicinity of where he was working. The water sprayed over him and he was soaked to the skin. He continued working and contracted pneumonia. It was decided that his sickness was caused by the bursting of the water pipe and that he was entitled to compensation. But there have been no cases on record of men obtaining compensation through contracting pneumonia without being involved in an accident of that kind; although it could be well established that the disease was caused by the conditions of employment, men having worked in the rain, become drenched, continued to work and thus developed pneumonia. Other men have worked in draughty places and contracted pneumonia as a result of which they have been out of work for a considerable time. With the inclusion of these words "by accident," such men would not be able to claim compensation. It would advantage the workers if the Minister would agree to the amendment.

Hon. A. R. G. HAWKE: I am guided considerably in this matter by the recommendation, which was a unanimous one, of the Royal Commission. If the personnel of that commission had been made up of men who might be considered to be unduly biased in favour of workers, then strong arguments might be put forward against the acceptance of this recommendation and, of course, other recommendations. However, the commission was not in any way loaded by the Government in favour of workers, injured or otherwise. It had a well balanced personnel in that regard because its chairman was Mr. G. W. Simpson, and the other members were Messrs. J. I. Mann, W. S. Andrew, W. Hodsdon, and W. A. Hutchinson.

I place a good deal of reliance on the fact that Mr Hutchinson supported this recommendation because he was on the commission as an assessor representing the insurance companies. Because of that and because of his many years of practical experience with workers' compensation matters, it must be thought that he would give this question the most serious consideration, and would, indeed, consult with his principals as to whether it was a desirable, safe and necessary amendment for the commission to recommend for the subsequent consideration of the Government. It would seem, therefore, that Mr. Hutchinson who represented the private insurance companies, and those companies themselves, consider, as a result of their experience of the Act, that every justification exists for the deletion of the words "by accident" from the Act where they now appear. I need not discuss the standing of the other members of the commission because I think they are all well known to the Committee.

The only member of the Royal Commission who might be considered to have a bias in favour of workers, and especially injured workers, is Mr. Hodsdon who was appointed as an assessor representing the industrial workers of Western Australia. I will be quite frank and say that if there was a State monopoly of workers' compensation, I would be prepared to trust it to do the right thing in respect of the types of cases that have been mentioned by members on this side tonight, where injury occurs and loss of employment results, even though the worker suffers no accident in the course of his employment or arising out of it. I know of such cases that have come before the State Insurance Office, and on each occasion that office has always done the fair and reasonable thing. However, we have to take seriously into consideration the fact that a great number of workers in Western Australia are insured under the provisions of the Workers' Compensation Act by insurance offices other than the State Office.

The Royal Commission in its report gives some very interesting figures in that regard, and they provide a comparison between the amount of insurance covered by the State Office on the one hand and the private companies on the other. If we take a look at the latest year for which figures are available—1947—we find that the State Office had a premium income under the Act of £272,000, and the private companies had a premium income of £352,000, which proves beyond any question that most of the

workers in Western Australia are insured by the private companies. Those workers, therefore, are left to the mercy of the private companies when they suffer injuries of gradual onset in the various classes of cases mentioned tonight by the member for Leederville, the member for Kalgoorlie and the member for Pilbara. I myself know of a number of instances where the private insurance offices have refused to do what the State Office would do, after it had satisfied itself, by investigation, that the injury was suffered by the worker under legitimate conditions.

The question before us appears now to be one of whether Parliament in making substantial amendments to the parent Act is going to apply a measure of justice in respect of cases of the type we have been discussing in connection with this amendment. I think all members will agree that men and women who suffer injuries of this class are entitled—provided their cases are proven to be genuine—to receive the appropriate amount of compensation as set out in the Act. There is an obligation upon us to provide the legal protection necessary to ensure that workers suffering in that way shall receive full compensation from private offices, just as they do from the State Insurance Office.

The MINISTER FOR EDUCATION: I do not think it makes much difference, in the contention with which we are dealing, whether it is the State Insurance Office or a private office that is involved. Naturally, a great deal of the advice upon which my judgment is based was tendered to me by officers of the State Insurance Office, and in this particular matter I do not think there is a great divergence of opinion. Since I sat on a Select Committee with the hon. member in 1937, I have always had the impression that underwriters are inclined to view changes in the law from a cost plus standpoint. One witness before that Select Committee expressed the view that it was his business to carry out the law and charge premiums accordingly. Such people think they are fully competent to handle the question of cost plus if and when legislation makes it necessary. The interesting aspect raised by the member for Northam ignores the fact that the Bill proposes, firstly, the premiums committee, which will have a substantial say and which will be subject in some degree to the measurement of the compensation board, and secondly, the compensation board itself, which will remove some of the objections that the hon. member had in mind and prevent substantial injustices being done. It will obviate any attempt by an insurance office, society or other such body to evade the terms of the law.

Hon. A. R. G. Hawke: These cases are not covered by the law.

The MINISTER FOR EDUCATION: That is where our opinions differ. The hon. member wishes to include that proportion of cases that might be excluded from compensation while legitimately expecting to receive it. I hope such cases will be dealt with fairly under the legislation and items I have mentioned. I am concerned with those instances where, if the amendment were agreed to, compensation would undoubtedly become payable without justification, in that the claim for it would be made in respect of an injury having no relation to the employment in which the worker was engaged, but ensuing from congenital or natural causes. It is almost impossible to reconcile those two points of view. After all, the employer pays for this type of insurance, and I am anxious to prevent him, and industry generally, from having to bear a charge in respect of something that has no relation to industry. I can appreciate the points of view expressed by members opposite but cannot permit myself to agree with them, as if I did so I would be doing a greater injustice on one side than they are fearful may be done on the other. I think that any injustices done in the past to that other side will be minimised when the provisions of the Bill come into operation. I leave the matter to the Committee.

Amendment put and a division taken with the following result—

Ayes	15
Noes	16
Majority against	1

AYES.

Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Reynolds
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. Smith
Mr. Hoar	Mr. Tonkin
Mr. Marshall	Mr. Rodoreda
Mr. May	*(Teller.)*

Noes.	
Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Murray
Mr. Cornell	Mr. Nimmo
Mr. Doney	Mr. North
Mr. Hall	Mr. Seward
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Wild
Mr. McDonald	Mr. Brand
	(*Teller.*)

Pairs.

Ayes.	Noes.
Mr. Read	Mr. Shearn
Mr. Triat	Mrs. Cardell-Oliver
Mr. Wise	Mr. Thorn
Mr. Leahy	Mr. Bovell
Mr. Collier	Sir N. Keenan.
Mr. Styants	Mr. Hill
Mr. Brady	Mr. Grayden
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Yates
	(*Teller.*)

Amendment thus negatived.

Hon. A. H. PANTON: In the face of that vote it seems useless for me to go on with the other similar amendments. I think that is the position.

The Minister for Education: That is so.

Hon. A. H. PANTON: That was the crucial vote.

The CHAIRMAN: I think the position is as the member for Leederville stated and most of the other amendments on the notice paper appear to be largely consequential.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Amendment of Section 6:

Mr. MANN: I hope the Government will not allow this clause to be agreed to, because it is an impossible clause and will heavily load industry. Both sides of the Chamber are in collusion on the clause and I seem to be the only outsider. If it be agreed to it will mean that a man is insured from the time he leaves home until he returns. This is in the Victorian Act and the cost to industry in that State is very great. I am surprised at the Government having such a clause in the Bill and I appeal to the Minister to oppose it.

Hon. A. R. G. HAWKE: We have just heard a rather moving appeal from the member for Beverley regarding the clause. He urges the Committee to defeat it and alleges that both sides are in collusion. He tells us that the passing of the clause will inflict very great damage and possible ruin upon industry. The clause, as the member for Beverley explained, aims to provide insurance cover under the Workers' Compensation Act for workers travelling to and from their place of employment. The hon. member in addition to being the member for Beverley was also a member of the Royal Commission upon whose recommendations the Bill is mainly based. On page 17 of the Commission's recommendations, dealing with Section 6 of the Act, find the following—

> Subject to necessary safeguards, that compensation be provided for workers injured whilst travelling to and from employment.

Hon. A. H. Panton: Forgive him. He does not know.

Hon. A. R. G. HAWKE: The member for Beverley, together with all the other Royal Commissioners, signed the report and signed himself as being in favour of its recommendations.

Mr. Styants: Someone has convinced him otherwise since then.

Hon. A. R. G. HAWKE: So after signing the report with its recommendations to the Government which stated that this section of the Act should be amended, the hon. member now wants the Committee to defeat a recommendation which he, as one of the Royal Commissioners, made. He renders the position even worse by alleging that both sides of the Chamber are in collusion against him. I think it is safer for me to say no more.

The MINISTER FOR EDUCATION: I move an amendment—

> That in line 21 of paragraph (vi) of subparagraph (ii) of paragraph (c) after the word "hundred" the words "and fifty" be added.

During the second reading speech I promised to move this amendment.

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

Clause 7—Amendment of Section 7:

Hon. A. H. PANTON: This is the clause I was discussing on the second reading, in regard to silicosis and the 10 years and three years. The Bill provides for the substitution for the words "twelve months" of the words "three years." I am sorry that the member for Mt. Marshall is not here to support me, because Dr. Outhred pointed out that many of the men who went away returned and have found themselves to be suffering from silicosis or other miners' complaints. Dr. Outhred contends that such

diseases were developed from employment in the mining industry prior to the men going to the war, and he states that silicosis can develop maybe 10, 12 or 15 years after the men leave the industry.

My object, in the amendment which I intend to move, is to cover not only returned soldiers but other men as well. However, the returned soldiers are the principal ones, because if the clause is agreed to it will mean that they must not be away for more than three years from the industry if they wish to claim a pension or any compensation under the Act. We are desirous of inserting a clause for the three diseases only for a period of 10 years, so that where these fellows leave an industry and develop a silicotic condition within 10 years they will be able to go to the board and ask for compensation. The injured person has to convince the board that the disease was contracted during his last employment, which is a pretty big job, but these men ought to be given the opportunity of doing this. I appeal to the Minister to give consideration to this particular clause. I move an amendment—

That paragraph (a) be struck out and a new paragraph inserted in lieu as follows:—"(a) Inserting after the word 'disease' in Subsection (1) line ten the words and figures following:—

(i) Being silicosis, pneumoconiosis or miner's phthisis is or was due to the nature of any employment in which the worker was employed at any time within ten years previous to the disablement, or

(ii) not being silicosis, pneumoconiosis or miner's phthisis is or was due to the nature of any employment in which the worker was employed at any time within three years previous to the disablement."

The MINISTER FOR EDUCATION: The amendment now moved by the member for Leederville, if carried, or defeated will affect the next clause because it contains the principle of the whole business, that is, if we delete the provision of three years as proposed in the Bill. It will then be 10 years for silicotic cases and three years for other cases. I am prepared to say this: That I am hopeful it will be possible next year to carry out the recommendations of Part V of the Royal Commission's report, but I have said that we cannot make an announcement on that subject until we know the actuarial position. I would be prepared to give favourable consideration to the insertion of this 10 year period but before reaching that stage, to ask us to insert that provision is to lose sight of the difficulties which may arise in regard to claims after such a long period. It is true that there is no guarantee that the legislation will go upon the statute book. I have gone as far as I can and in the meantime we have made some concession in extending the time to three years. If we extend the period to 10 years one could easily visualise that the last employer of the person claiming compensation might be some organisation which in the intervening 10 years might have ceased to exist and from which there would arise a claim which would have to be paid by the insurer—in this case the State Insurance Office. During that period such insurer may have received no appreciable income.

Mr. LESLIE: I was interested to hear the Minister's explanation and the remarks of the member for Leederville had me thinking for a while. However, in view of the Minister's promise that this is to be reviewed, I am quite happy to leave the Bill as it stands. As far as the ex-Servicemen are concerned, I would remind the Committee that under the provisions of the Repatriation Act, should any ex-Servicemen develop these complaints within a reasonable period of his discharge he would be able to claim a pension from the Repatriation Department—

Hon. A. H. Panton: And have the job of proving they were war caused.

Mr. LESLIE: —although they may not have occurred at the time of his enlistment. It would have to be proved conclusively that his complaint had not been aggravated during his period of war service before the department could escape awarding him a pension. He is protected to some extent at least.

Hon. A. H. Panton: He is not protected at all in this clause.

Mr. LESLIE: No, but I do not think the extension to a 10-year period will give him any further protection. I am a little doubtful in agreeing to extend the period to 10 years because, when we bring in the question of aggravation, the point arises that while a man may live his condition of pneumoconiosis or phthisis may be latent. He may then follow some occupation that

will aggravate his complaint and then in 10 years approach the last employer with a claim for compensation, where actually the claim should be made on a person more responsible for the condition in which he finds himself.

Hon. A. H. PANTON: Dr. Outhred is an expert on silicosis and he is definite that a silicotic condition can develop for ten years. He examined quite a number of soldiers who were not suffering from any silicotic condition when they went away but have now developed that condition. It is idle for the member for Mt. Marshall to say that they would be able to convince the Repatriation Board that their trouble was war-caused. I have had a great deal more experience of repatriation than has the hon. member and I know the difficulty of convincing those concerned that a trouble was war-caused. I am satisfied that it would be more difficult to convince the Repatriation Department than it would be to satisfy the board under this measure. I am not making any sentimental appeal on behalf of the returned soldiers. There were other men who were up north with C.C.C., men who had been pulled out of the mining industry, and they could develop the disease after being away for four or five years. The Minister cannot give any guarantee as to what will be done next year. To get an actuarial decision might prove very difficult.

The Minister for Education: I think we are on the way to getting one.

Hon. A. H. PANTON: I should feel happy if I believed that we would be in a position next year to protect these men. I regret that the Minister cannot accept the amendment, because I foresee considerable disability for men who, through no fault of their own, will be left high and dry.

Mr. Hegney: Perhaps the member for Beverley will tell us what prompted the Royal Commission to bring down this recommendation.

Amendment put and negatived.

Clause put and passed.

Clause 8—agreed to.

Clause 9—Amendment of Section 10:

The MINISTER FOR EDUCATION: I move an amendment—

That after the word "part" in line 7 of the proposed new subsection (4) (a) the following words be inserted:—

in respect of a member of an employer's family dwelling in his house pursuant to the provisions of Section IV, subsection (g), paragraph 3 of this Act.

The intention is that an approved insurance office shall not have the right to refuse any type of policy except in respect of a member of an employer's family dwelling in his house.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 4 of the proposed new subsection (4) (b) the letters "insur" be struck out and the word "insurance" inserted in lieu.

This is to correct a misprint.

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

Clause 10—Repeal of certain sections:

The CHAIRMAN: The numbers of some of the proposed new sections have been printed in black instead of light type, and I direct attention to the fact so that there may be no confusion. As the clause is a long one, I propose to put it page by page.

Hon. A. H. PANTON: I move an amendment—

That at the end of paragraph (b) of Subsection (5) the following words be added:—"unless an appeal shall be made to the Board as hereinafter provided."

The MINISTER FOR EDUCATION: I understand that the recommendation of the Royal Commission is that all cases should be heard and determined by the compensation board. The member for Leederville has indicated the great area of Western Australia and how difficulties may in consequence arise. The Government therefore considers that a power of delegation should be given to the board, thus obviating the necessity of bringing people from long distances to testify, or, alternatively, getting the board to travel long distances to hear cases. For many years past, the greater number of the cases have been decided by a resident magistrate or a magistrate of a local court.

Hon. A. H. Panton: But there was an appeal from a magistrate.

The MINISTER FOR EDUCATION: Yes. The provision in the Bill will not prevent an appeal being taken from the magistrate to the Full Court on any question of

law. It is therefore only on questions of fact that the member for Leederville desires an appeal to the board.

Hon. A. H. Panton: That is right.

The MINISTER FOR EDUCATION: What the Committee has to decide is whether it is desirable to have appeals on questions of fact. No appeal would lie from the compensation board to the Supreme Court on questions of fact, but only on questions of law. Is it desirable, when a specific delegation has been made to a magistrate in a far distant place, that it should be possible to have an appeal from him to the board on a question of fact, when there is no appeal from a decision of the board to the Supreme Court on a question of fact? We should not ask for a re-hash—because that is what it would amount to in many cases—of all the facts that have been adduced to the magistrate, but only an appeal from his decision on those facts. I cannot agree to the amendment, which I feel would be ill-advised. The provision in the Act is reasonable.

Amendment put and negatived.

The MINISTER FOR EDUCATION: I move an amendment—

That in Sub-paragraph (i) of paragraph (g) of Subsection (13) of proposed new Section 37 the words "who have sustained personal injury by accident within the meaning of this Act" be struck out.

Amendment put and passed.

The MINISTER FOR EDUCATION: The proposed new Section 38 provides that there shall be a premium rates committee, consisting of the Auditor General as chairman, the manager of the State Government Insurance Office and a person who shall be nominated by all other insurers approved by the Minister under the provisions of Section 10 of the Act. I wish to insert after the word "Act" the words "other than that section of such insurers known as the non-tariff companies." There are two reasons for my proposed amendment, first, because the non-tariff companies do a very substantial business in workers' compensation insurance. One company alone, upon statistics being furnished, stated it had a premium income of £60,000.

The second reason is because the non-tariff companies have made a considerable contribution, it is contended—and I think rightly—towards keeping premiums at a reasonable level. I might add a third reason, which is that the non-tariff companies are not associated at all with the other companies, but are about as much detached as is the State Insurance Office from their activities. The suggestion has been made to me, in which I am prepared to concur, that these insurance companies should be given a representative. As the situation stands, we have two Government representatives and one of the approved insurers. Under the proposal I am making, we shall have two of each, which is reasonable, especially as the two groups of insurers are in no way associated with each other. I move an amendment—

That in line 7 of paragraph (a) of Subsection (1) of proposed new Section 38 after the word "Act" the words "other than that section of such insurers known as the non-tariff companies" be inserted.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That in line 7 of paragraph (a) of Subsection (1) of proposed new Section 38 after the word "and" the words "and also a person who shall be nominated by the non-tariff companies as aforesaid both of whom" be inserted.

Hon. A. H. Panton: Suppose there is a difference of opinion between the four men. What will happen? Will the chairman have a casting vote?

The MINISTER FOR EDUCATION: No. They will have to come to a conclusion, so far as I am concerned.

Amendment put and passed.

The MINISTER FOR EDUCATION: As a result of that re-arrangement of words, the word "who" which follows "and" will have to be deleted. I move an amendment—

That in line 7 of paragraph (a) of Subsection (1) of proposed new Section 38 the word "who" be struck out.

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

Clause 11—Amendment of the First Schedule:

Hon. A. H. PANTON: This clause provides for substitution of certain amendments for other amendments. I have already dealt with this matter, and I move an amendment—

That in line 5 of paragraph (a) the words "not more than" be struck out.

The MINISTER FOR EDUCATION: I agree.

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

Clause 12—Amendment of the Second Schedule:

The MINISTER FOR EDUCATION: I move an amendment—

That after the words "Total loss of hearing" the words "Partial deafness of both ears—Such percentage of £750 as is equal to the percentage of diminution of hearing" be inserted.

It will be quite obvious why the amendment has been moved. It has a distinct relation to a subsequent provision concerning partial loss of sight.

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

Clause 13—Amendment of the Third Schedule:

Hon. J. B. SLEEMAN: I move an amendment—

That in line 5 of paragraph (f) after the word "typhus" the words "Brills' disease" be inserted.

A few cases of Brills' disease occur around the waterfront, and it is the desire of the Waterside Workers' Federation that these words be included. It is considered that the phrase "endemic typhus" would cover the position, but as the waterside workers are anxious to have the words "Brills' disease" included, I have moved the amendment.

The Minister for Education: I have no objection.

Amendment put and passed.

Hon. A. H. PANTON: I move an amendment—

That in lines 10 and 11 of paragraph (i) the words "caustic or corrosive" be struck out.

The MINISTER FOR EDUCATION: The intention of the paragraph is that all sorts of what might be classed as industrial dermatitis should be covered. It is considered that the inclusion of these words might limit that inclusion. Therefore, I agree to the amendment.

Amendment put and passed.

Hon. A. H. PANTON: I move an amendment—

That at the end of paragraph (i) the following words be added:—"or ray burn."

The Minister for Education: I agree.

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

Clause 14—agreed to.

New Clause:

Hon. A. H. PANTON: I move—

That a new clause be added as follows:—"15. The provisions of this Act shall apply to the worker who at the date of the coming into operation of this Act is in receipt of a weekly payment during total or partial incapacity for work resulting from an injury."

This is the clause I mentioned when discussing the alteration from 50 per cent. to 66 2-3rds per cent. of the weekly payment. I suggested, in the second reading debate, that we should endeavour to insert a clause to provide for the picking up, on the proclamation of the Act, of those receiving a wage of £750, maximum. I do not think there would be very many. This clause is designed to meet the position.

The MINISTER FOR EDUCATION: There is a great deal of merit in what is intended by the member for Leederville in this clause, but I am afraid what he suggests will not achieve it. Obviously what he means is that the payments to be made after the Act comes into operation shall, although they may have started prior to the Act coming into operation, be increased from the time the Act is proclaimed. With that, I agree. I think, however, it is possible that restrictive payments made prior to the coming into operation of the Act would also be retrospectively increased.

Hon. A. H. Panton: I am not after that.

The MINISTER FOR EDUCATION: That is the result of the phraseology of the amendment. If at the time of the Act coming into operation, a man is in receipt of some payment, then the increased payments shall be payable in respect to all that he was entitled to under the Act, and that might mean 10 or 12 weeks of retrospectivity for which no-one has contracted. If the hon. member will withdraw his amendment, I shall discuss with him the question of another one to suit the Bill, and either

recommit the measure here or sponsor it in another place.

Hon. A. H. Panton: I would rather recommit it here.

The MINISTER FOR EDUCATION: If the hon. member does not agree to my suggestions I shall have to oppose the new clause.

Hon. A. H. PANTON: I agree to the Minister's request. I ask leave to withdraw the proposed new clause.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.20 p.m.

Legislative Assembly.

Tuesday, 5th October, 1948

CONTENTS.

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

QUESTIONS.

SHIPPING.

As to Pilfering at Fremantle.

Mr. GRAYDEN asked the Minister representing the Minister for Police:

(1) What was the extent of pilfering from interstate and oversea ships at Fremantle during the past financial year?

(2) On a percentage basis, to what extent was it higher than in 1943-44?

(3) If the information in question No. (2) is not available, will he give what information is available on the extent of pilfering in the periods mentioned?

The MINISTER FOR HOUSING replied:

The only data available is as follows:—

(1) Fifty-five convictions for stealing, attempted stealing, receiving and unlawful possession.

(2) Twenty-three per cent. lower than in 1943-44.

(3) Answered by No. (2).

BLACK DIAMOND COAL LEASES.

As to Liability for Compensation.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

In view of the statement made by the Minister for Mines in "The West Australian" that the reason for returning Wellington Location 1128 and Coal Mining Leases Nos. 256 and 304 to the Amalgamated Collieries of W.A. Ltd. after acquisition by the State Electricity Commission was the large amount of compensation which would have been payable by the State, would he inform the House:—

(a) Upon what grounds would compensation have been payable?

(b) What would have been the approximate amount involved?

The MINISTER FOR HOUSING replied:

(a) Under the provisions of the State Electricity Commission Act and the Public Works Act, an amount equal to the estimated profit on the estimated coal content of the leases, also compensation for resumption of freehold property.

(b) The actual amount involved has not been estimated.