Legislative Assembly

Thursday, the 3rd September, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (25): ON NOTICE

1. EDUCATION

Albany Students: Banning from Technical School

Mr. COOK, to the Minister for Education:

(1) Has an order been issued by the Director of Secondary Education banning senior high school students from attending night courses at the Albany Technical School?

(2) Is it correct that students from non-State schools can attend night courses at the technical school?

(3) If (1) is "Yes"—

(a) is the order State-wide;

(b) how many State senior high school students were taking courses before the ban?

(4) Were these students barred from completing the courses at the technical school?

(5) Will he give an explanation as to the reason for excluding the students?

Mr. LEWIS replied:

(1) No. A "ban" has not been imposed. Students at Albany Senior High School may attend night courses at the technical centre but only with approval.

(2) Yes, where normal school subjects are not available in the non-Government schools. Enrolment must be granted approval.

(3) (a) Answered by (1). The position applies State-wide.

(b) Not applicable as there is no ban.

(4) No.

(5) It is Education Department policy to satisfy student requirements in one division of the department. In exceptional cases where a subject cannot be timetabled for an individual student, permission may be granted by the Director of Secondary Education. The approval is necessary—

(a) to reduce the danger of students overloading themselves; and

(b) to enable the high school to continue its programme of providing the widest range of subjects and courses.

2. *This question was postponed.*

3. TWILIGHT COVE RESERVE

Dedication as Class "A"

Mr. COOK, to the Minister for Lands:

(1) On what date was the Twilight Cove reserve No. 27632 officially declared "A"-class?

(2) On what date did investigations by officers of the Department of Lands and Surveys commence and on what date were they completed?

(3) Is there a report available of their findings and, if so, would he table it?

(4) Who were the personnel who took part in this investigation and what were their qualifications?

Mr. BOVELL replied:

(1) The proclamation appeared in the *Government Gazette* of the 7th November, 1969.

(2) Investigations by professional officers of the Department of Lands and Surveys into the creation of the reserve extended from December, 1960.

(3) No.

(4) H. Camm, LL.B., F.I.S. (Aust.), M.I.C.W.A., then Surveyor-General.

T. A. Cleave, F.I.S. (Aust.), then Deputy Surveyor-General and member of the Western Australian Sub-Committee of the Australian Academy of Science Committee on National Parks.

W. G. Henderson, M.I.S. (Aust.), M.I.C.W.A. (presently acting Surveyor-General).

4. *This question was postponed until Thursday, the 10th September.*

5. EDUCATION

Jingalup School

Mr. TONKIN, to the Minister for Education:

(1) Does the enrolment of the Jingalup School exceed 30 children?

(2) If the school remained open would it be reasonable to expect an increase in enrolment next year?

(3) Was the decision to close the school taken on the Education Department's initiative, or as a result of a request received?

(4) If the decision followed a request, from whom was the request received?

(5) Upon what criteria was the decision made to close the school?

(6) Was the question of the closure of the Jingalup School up for decision in 1967 as a result of a request from the parents and citizens' association?

(7) Did he refuse to close the school on that occasion?

(8) If "Yes" what is the difference between the criteria upon which he made his decision in 1967 and that upon which he has now decided to close the school?

Mr. LEWIS replied:

(1) Yes.

(2) An increase is not expected for next year.

(3) The decision was reached as the result of many local requests.

(4) A deputation was received by me at Kojonup on Friday, the 8th May, 1970.

(5) (a) Strong local pressure for the provision of continuous education up to third year secondary level.

(b) The existing building is in poor condition.

(6) Yes.

(7) No. Closure was deferred as it was considered premature to make such a decision at that time.

(8) The criteria as in (5) still apply and the decision was reviewed as a result of the deputation referred to in (4).

6. *This question was postponed.*

7. METROPOLITAN REGION PLANNING AUTHORITY

Expenditure on Kwinana Improvement Plan No. 3

Mr. TONKIN, to the Minister representing the Minister for Town Planning:

As Kwinana improvement plan No. 3 prepared the way for the acquisition of land and resale to the Western Mining Corporation Ltd., what is the justification for the Metropolitan Region Planning Authority being obliged to expend $175,080 on the plan?

Mr. LEWIS replied:

Improvement plan No. 3 was not confined to the assembly of land for the Western Mining Corporation's nickel refinery. Additional areas of land north and west of the refinery site were also acquired for associated industries with the general objective of consolidating land for co-ordinated industrial development. The item referred to relates to these purchases.

8. BUSHFIRES

Reserves: Prevention

Mr. RUNCIMAN, to the Minister for Lands:

(1) What measures are taken by the National Parks Board to prevent or minimise the risk of bushfires within their territories?

(2) What authority is responsible for the eliminating of fire hazards on Government reserves and for fire prevention methods such as firebreaks, etc.?

(3) In view of the severity of a number of fires on coastal reserves between Rockingham and Australind during the past two summers, what investigation has been carried out by the Bush Fires Board as to—

(a) the cause;

(b) damage to vegetation?

Mr. BOVELL replied:

(1) The National Parks Board co-operates with the Bush Fires Board, local bushfire brigades and Forests Department for arranging where possible the planning and construction of fire-breaks and controlled burning according to local circumstances applicable to the national park or reserve concerned.

(2) The authority in which reserves are vested or which has control over reserves is responsible for fire protection measures on the reserves. The Bush Fires Act gives authority to bushfire control officers and local authorities to take action to abate fire hazards on unvested reserves.

(3) Local authorities are responsible under the Bush Fires Act for reporting particulars of all fires to the Bush Fires Board. The board has investigated most fires which have occurred during the past two summers on coastal areas between Rockingham and Australind both as to cause and general damage arising from the fires.

9. YALGORUP NATIONAL PARK

Development

Mr. RUNCIMAN, to the Minister for Lands:

(1) What is the area of the Yalgorup National Park?

(2) Do Lake Clifton and Lake Preston come within the authority of the National Parks Board?

(3) What is the approximate area of these two lakes?

(4) Has the board any plans for roads, recreational facilities, etc., for Yalgorup?

(5) If not, what can be expected by the public as regards access to the lakes and various beauty spots within the park?

Mr. BOVELL replied:

(1) 9,890 acres.

(2) No.

(3) Lake Preston, about 7,300 acres, Lake Clifton, about 4,400 acres.

(4) and (5) Plans for the future development of the Yalgorup National Park are not yet complete, but the provision of recreational facilities and access to the lakes and beauty spots will receive consideration in the overall plan.

10. YUNDURUP CANALS SCHEME

Approval of Cabinet

Mr. RUNCIMAN, to the Premier:

(1) What Government departments were consulted by Cabinet before it gave approval to the Yundurup Canals scheme?

(2) Is the Government satisfied that the various departments made a thorough examination of the scheme and the locality?

(3) Has the Yundurup Canals group agreed to the provisions laid down by the Government?

(4) Has a determination been made regarding the dredging of a main channel?

(5) If so, what is the width of the channel and its length?

(6) What is the royalty being charged by the Government to the company for the dredging material?

(7) Has consideration been given to the submissions made by local professional fishermen on the dredging?

(8) Would it be correct to assume that as far as the Government is concerned there is nothing to prevent the Yundurup Canals from going ahead with its development?

Sir DAVID BRAND replied:

(1) Conditional approval for subdivision was given by the Town Planning Board after consulting the Public Works Department—drainage and irrigation section, country water supply section, and harbours and rivers section—the Public Health Department, the Lands and Surveys Department, and the Murray Shire Council. This approval was subject to arrangements being made by the subdivider with those and other departments. Cabinet approval in principle to the dredging of offshore channels was given after consultation with the Town Planning Department, the Public Works Department—drainage and irrigation section and harbours and rivers section—and the Departments of Public Health, Fisheries and Fauna, Lands and Surveys, and Crown Law.

(2) Yes.

(3) Not formally in writing. However, final approval to the subdivision will not be given until the conditions have been met.

(4) The conditions under which a dredging lease may be issued have been determined and a formal offer of lease will be made shortly to the subdivider.

(5) The top of the outer channel is to have a maximum width of 100 feet, the bottom to have a minimum width of 50 feet, and the length is to be 7,920 feet.

(6) The royalty to be charged has yet to be determined.

(7) Submissions by local fishermen have been made through the Department of Fisheries and Fauna and have been taken into consideration.

(8) Completion of the project is dependent on the offer and acceptance of the dredging lease. When this has been done there is nothing as far as the Government is aware to prevent the subdivider from completing the project in accordance with the conditions laid down.

11. PRIORITY ROADS

Yellow Markings

Mr. MAY, to the Minister for Traffic:

(1) Has any consideration been given to yellow markings being provided down the centre of priority roads?

(2) Has any consideration been given to providing yellow markings at the approaches where joining roads meet priority roads?

(3) If not, could consideration be given to a trial of this type of identification?

Mr. CRAIG replied:

(1) and (2) The accepted policy of the majority of State road authorities is that the colour of all pavement markings should be restricted to the colour white.

The provision of the yellow diamond priority advisory sign, together with the additional mounting of the words "Priority Road" above "Give Way" signs which is

currently being introduced is considered adequate advice to motorists.

(3) Answered by (1) and (2).

I might add that the suggestion has not been overlooked. It is under consideration in the light of experience.

12. EDUCATION

High Schools: Upgrading

Mr. MAY, to the Minister for Education:

(1) What criteria are used by the Education Department when determining the necessity or otherwise of establishing a high school in a particular area?

(2) Does the department take into consideration the need for progressive upgrading of the high schools?

(3) How many established three-year high schools in the metropolitan area have had a break in continuity of upgrading since establishment, and what are the names of the schools?

Mr. LEWIS replied:

(1) A secondary school may be established in any locality where there is a reasonable prospect of an average attendance of not less than 150 children in secondary classes years one, two, and three. The main consideration, however, is whether the anticipated enrolment of secondary pupils is sufficient to provide a full and enriched secondary education with a wide range of courses.

(2) Yes.

(3) Since 1951 there has been a break in the continuity of upgrading of the following 20 secondary schools:—

Armadale
Belmont
Bentley
Cannington
Churchlands
Cyril Jackson
Eastern Hills (three-year school at present)
Hamilton
Hollywood
John Forrest
Kalamunda (three-year school at present)
Kewdale (three-year school at present)
Kwinana
Melville
Mirrabooka
Mount Lawley
Scarborough
South Fremantle (three-year school at present)
Swanbourne
Tuart Hill

13. MANNING ROAD

Upgrading

Mr. MAY, to the Minister for Works:

Of the $25,000 set aside in 1969 by the Main Roads Department for the upgrading of Manning Road, what proportion was approved for the South Perth City Council?

Mr. ROSS HUTCHINSON replied:

$12,500 which has now been provided for in the department's 1970-71 programme of works.

14. *This question was postponed.*

15. EDUCATION

Dardanup: New School Site

Mr. JONES, to the Minister for Education:

(1) Has land been obtained at Dardanup for a new school site?

(2) If "Yes" from where was the land obtained and what was the date of purchase?

(3) What was the price paid for the land?

(4) When were inquiries into this matter initiated?

Mr. LEWIS replied:

(1) No.

(2) and (3) See answer to (1).

(4) Investigations were initiated in July, 1970.

16. LAND

Special Lease 3116/3155

Mr. JONES, to the Minister for Lands:

In connection with special lease 3116/3155 will he advise—

(1) Did the department advise the manager of the Commonwealth Bank, Collie, in May, 1961, that the Crown Lands Tribunal was investigating Mr. L. Harley's application for a lease of the land?

(2) Do the records disclose that Mr. Harley was written to on the 3rd September, 1964, advising that the tribunal had not yet inspected the land and that he would be advised of the tribunal's decision?

(3) Was Mr. Harley notified of the tribunal's decision?

(4) Is he able to explain why Mr. W. Smith was granted a lease of the land following his application of the 14th January, 1963, in preference to Mr. Harley who had applied in 1961?

Mr. BOVELL replied:

(1) to (4) Lands Department records did not disclose any advices to the Commonwealth Bank, Collie. However, records show that a letter dated the 30th May, 1961, addressed to the Manager of the Commercial Bank of Australia Limited at Collie, and the letter to Mr. Harley dated the 3rd September, 1961, did not refer to the land now held as lease 3116/3155 by Mr. W. R. Smith.

The original application submitted by Mr. Harley was for land to the south of lease 3116/3155. Therefore, the question of preference does not arise. Mr. Harley did inquire on the 10th June, 1970, relating to land leased to Mr. Smith since 1963, and was advised of the position.

17. POLLUTION

Midland Brickworks: Fluoride Fall-out

Mr. BRADY, to the Minister representing the Minister for Health:

(1) Is there evidence of fluoride fall-out from the Midland brickworks?

(2) If "Yes" is the fall-out in sufficient quantity to be harmful to inmates of the Swan Districts Hospital?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No.

18. HEALTH

Family Planning Clinics

Mr. DAVIES, to the Minister representing the Minister for Health:

(1) Has his department made any survey of the need for family planning clinics?

(2) If so, with what result?

(3) How many such clinics are in this State and where are they located?

(4) Which of such clinics have been established and are maintained by the Government?

(5) Is any means test applied to persons attending such clinics and, if so, to what extent?

(6) Does the Government intend to expand its activities in this direction?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) Answered by (1).

(3) There is a clinic at the King Edward Memorial Hospital for women. Other clinics are held from time to time by private doctors.

(4) The K.E.M.H. clinic is in a public hospital.

(5) No.

(6) Not at present.

19. HOME OF PEACE

Intake of Wooroloo Patients, and Financial Assistance

Mr. BRADY, to the Minister representing the Minister for Health:

(1) What number of inmates of Wooroloo Hospital were transferred to the Home of Peace to June, 1970?

(2) What assistance was given to the Home of Peace to compensate for any new patients from Wooroloo Hospital?

(3) What amounts were paid to the Home of Peace for each of the years from the 30th June, 1965 to the 30th June, 1970?

(4) On what basis were the amounts for each year paid?

Mr. ROSS HUTCHINSON replied:

(1) 35.

(2) $1.07 per patient per day.

(3)

	Maintenance Subsidy	Capital Grant Towards Additional 140 Beds
	$	$
1964-65	145,568	—
1965-66	179,896	—
1966-67	231,624	—
1967-68	191,652	—
1968-69	231,948	220,000
1969-70	138,080	150,000

(4) (a) Maintenance subsidy on the basis of the difference between maintenance expenditure and revenue.

(b) Capital grant on the basis of agreed subsidy arrangement towards the cost of building extensions at Inglewood at a total cost of $692,265 in line with the plan to provide additional geriatric beds at a total cost of over $3,500,000 as arranged by the Government in September, 1969.

20. HOUSING

Retention of Natural Environment

Mr. FLETCHER, to the Minister for Housing:

Will he ensure that where new State Housing Commission areas are being established, the bulldozing of natural trees and shrubs will be kept to a minimum with a view to—

(a) retaining a maximum area of natural environment if the occupier so chooses; and

(b) preventing the need for an occupier to spend perhaps a lifetime trying to grow trees where trees originally existed?

Mr. O'NEIL replied:

Yes.

21. MINISTERIAL APPOINTMENTS

Number and Terms of Employment

Mr. TONKIN, to the Premier:

(1) How many ministerial appointments have been made which are subject to the provisions of—

(a) any Ministerial Officers (General) Salaries Agreements made pursuant to section 12 of the Public Service Arbitration Act, 1966;

(b) any Ministerial Officers (Administrative and Clerical) Salaries Agreements;

(c) any Ministerial Officers (Professional) Salaries Agreements?

(2) What are the departments and the number of appointees, respectively, in which ministerial appointments covered by agreements have been made?

(3) Of the ministerial appointments made, how many were under the authority vested—

(a) in the Governor-in-Council; and

(b) in the Governor alone?

(4) In what manner and by whom were the salaries of ministerial appointees fixed?

(5) Why has it been considered necessary to make ministerial appointments outside the Public Service Act?

(6) Were any of the 12 persons given in the total supplied by him in answer to a question on the 19th August subject to any of the agreements mentioned in (1) above?

(7) If "Yes" in which departments are they employed?

(8) Of the eight persons referred to in his answer to a question on the 19th August as having written contracts of employment, how many received their appointments under the authority vested in the Governor alone, and who are they?

(9) Of the four out of 12 ministerial appointments mentioned in his answer to a question on the 19th August and who do not have written contracts of employment, how many received their appointments under the authority vested in the Governor alone, and who are these appointees?

Sir DAVID BRAND replied:

(1) (a) 398.

(b) 85.

(c) 47.

(2) Medical—52.
Public Health—13.
Mental Health—82.
Education—53.
Agriculture—1.
Child Welfare—286.
Immigration—12.
Public Works—31.

(3) If in referring to the authority to make appointments which is vested in the Governor alone, the honourable member has in mind the words of section 74 of the Constitution Act, 1893, where it refers to—

> ". . . the appointments of officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone",

I am advised that these words "officers liable to retire from office on political grounds" refer only to the Ministers of the Crown, and that it is only these persons whom the Governor may appoint on his own authority.

(a) 53.

(b) Nil.

(4) Salary scales are fixed by agreement with the Civil Service Association and placement of the individual within the scale is made by the Minister. The advice of the Public Service Commissioner is first obtained.

(5) The persons concerned are employed in fields which are not considered to come within the general scope of the Public Service.

(6) No.

(7) Answered by (6).

(8) Nil. The officers are—Public Relations Officers of the Premier's Department (4); Administrator of the North West; Assistant Administrator of the North West; Information Officer, Town Planning Department; and Tree Adviser, North-West Department.

(9) Nil. The officers are—Manager, Wandana Flats; Collections Officer, Exmouth; Clerk Collector, Pearce (State Housing Commission); Co-ordinator of Agricultural Industries.

22. PERTH CITY COUNCIL

Increased Parking Fees

Mr. TONKIN, to the Minister for Traffic:

Will he table a copy of the submission from the Perth City Council which resulted in his agreeing to the request for substantial increases in parking fees?

Mr. CRAIG replied:

Yes.

The submission was tabled.

23. TOWN PLANNING

Sorrento-Mullaloo Area

Mr. LAPHAM, to the Minister representing the Minister for Town Planning:

(1) Will he supply full details of any projected coastal development west of West Coast Highway between Sorrento and Mullaloo, and of any agreements made or under consideration for this area?

(2) If not, will he give an assurance that before a final commitment is made for development of this area, or part thereof, that the final plans be laid upon the Table of the House for perusal by members?

Mr. LEWIS replied:

(1) As a result of the agreement between the Government and the three land-owning developers in this area, and in consultation with the Main Roads Department, the line of an extension to West Coast Highway has been determined. The developers have prepared outline plans which envisage some nodes or urban development between the highway and the coast but the details of these have not yet been determined.

(2) The final plan will be determined between the Government, the developers and the shire council.

24. BETTING

Offences: Charges, Convictions, and Acquittals

Mr. BERTRAM, to the Minister for Police:

(1) In the last five statistical years, how many persons have been—

(a) charged;

(b) convicted;

(c) acquitted,

of offences under each of sections 45 and 46 of the Totalisator Agency Board Betting Act, and each of sections 22, 23(1) and 27 of the Betting Control Act?

(2) What are each of the ways in which section 42 of the Totalisator Agency Board Betting Act is considered unsatisfactory because "no mention is made of an employee of an agent"?

(3) In the last five statistical years, how many alleged offences under these Acts—

(a) have not been prosecuted;

(b) have been prosecuted unsuccessfully,

by reason of—

(i) a prosecution witness who is a member of the police force or a person acting at the request of a member of the police force having been tainted of being an accomplice;

(ii) the inadmissibility of the evidence of a servant or agent of the licensee in proceedings against the said licensee, and

(iii) an accomplice's evidence being uncorroborated?

Mr. CRAIG replied:

(1) Totalisator Agency Board Betting Act—

	Charged	Convicted	Acquitted
(a) Section 45	26	21	3
(b) Section 46	Nil	Nil	Nil
Betting Control Act—			
(c) Section 22	Nil	Nil	Nil
Section 23	Nil	Nil	Nil
Section 27	1	1	Nil

(2) There is some doubt as to the application of section 42 of the Totalisator Agency Board Betting Act to employees of agents and managers of the T.A.B. in relation to accepting a bet from a minor, permitting a person under twenty-one years to bet, or remain on the premises and accepting a bet from a person intoxicated.

(3) (a) 26.

(b) Nil.

25. EDUCATION

Teachers' Salaries: Deduction of Union Fees

Mr. WILLIAMS, to the Minister for Education:

(1) Are union fees deducted from teachers' salaries by his department?

(2) If so, when was this practice commenced?

(3) What amounts have been deducted annually in the years 1960 to 1970 inclusive?

(4) What commission has been received by the department in each of the above years?

(5) Are the deductions compulsory or at the request of the individual?

(6) If student teachers have deductions made immediately entering Teachers Training College, what rate do they pay?

(7) Do student teachers have equal rights in union policy making?

Mr. LEWIS replied:

(1) Yes.

(2) The 1st May, 1956.

(3) and (4)—

	Annual Deductions	2½% Commission
	$	$
1960 to 1962—Not available.		
1962-63	63,867	1,597
1963-64	69,490	1,737
1964-65	76,780	1,919
1965-66	85,681	2,142
1966-67	91,728	2,293
1967-68	100,298	2,507
1968-69	113,315	2,832
1969-70	136,978	3,424

(5) At the request of the individual.

(6) Deductions are not made for student teachers.

(7) Not known.

QUESTIONS (5): WITHOUT NOTICE

1. BETTING

Offences and Charges

Mr. LAPHAM (for Mr. Bertram), to the Minister for Police:

How many members of the Police Force or persons acting at the request of the Police Force, respectively, have been—

(a) charged;

(b) convicted;

(c) acquitted,

of offences under the Totalisator Agency Board Betting Act and Betting Control Act, respectively?

Mr. CRAIG replied:

Nil.

2. POTATOES

Shortage

Mr. MITCHELL, to the Minister for Agriculture:

(1) What is the actual potato stock position at the present time?

(2) What has been, and is being, done to supplement supplies?

(3) It has been reported that some retailers have insufficient stocks to meet customers' needs. Is this so and, if so, why?

(4) Is there any likelihood of a recurrence of the present shortage of local potatoes?

Mr. NALDER replied:

(1) Approximately 2,400 tons of local potatoes will be available from local supplies for marketing during the balance of the season. This quantity represents about 75 per cent. of local requirements.

(2) Potatoes have been imported from South Australia and Victoria. The position now is that forward buying by the board in the Eastern States has ensured that from the present time up till the new crop is dug at the end of this month, the market will be adequately supplied.

(3) The nature of the publicity given to the shortage of local potatoes has created an unrealistic demand —verging on panic buying—and this has probably caused some retailers to run short of stocks.

I might say there is evidence of consumers going from one vegetable firm to another buying nothing but potatoes. This evidence has been forthcoming from a number of quarters.

(4) No. The board makes ample provision for local requirements plus a 25 per cent. to 30 per cent. surplus and this is the first shortage since 1949. The severity of the drought, which had serious repercussions in all primary industries, is the sole cause.

3. BERNARD KENNETH GOULDHAM

Television Discussion

Mr. BERTRAM, to the Premier:

Is he aware that Channel 7 Television Station has had a thorough investigation made into the Gouldham case by expert authorities and that the conclusion has been reached that Gouldham is completely innocent of the offence for which he was convicted in respect of which he served 47 weeks of imprisonment and that this question is to be discussed on TV Channel 7 next Monday night?

Sir DAVID BRAND replied:

I thank the honourable member for giving me some notice of this question. I am aware that this question is to be discussed on Channel 7 in the near future.

Mr. Lapham: Will the Premier watch the programme?

4. PRIORITY ROADS

Yellow Markings

Mr. MAY, to the Minister for Traffic:

I wish to ask a question connected with the reply given to question 11 on today's notice paper. Could the Minister advise—

(1) Is there any set distance laid down by the State road authorities between the location of priority road signs?

(2) Is the Minister aware that distances of up to one mile currently exist with regard to the location of some signs?

(3) Would the Minister agree that the provision of yellow lines down the centre of priority roads would assist overseas, interstate, and country motorists when approaching priority roads?

Mr. CRAIG replied:

(1) to (3) In reply to the honourable member, I am not aware whether a set distance between the signs is laid down. I will endeavour to find out and let him know. I might add that the sign which signifies a priority road is, itself, an international sign and, therefore, visitors from the Eastern States or overseas should recognise it.

I shall investigate the other parts of his question. I might disagree with my colleague, the Minister for Works, on this matter, but I personally feel that a particular road marking might make a priority road more readily identifiable. However, as I said earlier, with the passage of time we might well find that the public will become fully aware of priority roads by the existing signs.

5. GOVERNMENT DEPARTMENTS

Acceptance of Cheques

Mr. COURT (Minister for Industrial Development): Yesterday I promised the member for Kalgoorlie that I would seek further information in answer to the question which he raised. May I give that information?

The SPEAKER: Yes.

Mr. COURT: I shall give the information on behalf of the Premier and Treasurer. The question relates to whether cheques are accepted at the Titles Office for the payment of fees, etc.

I have now been informed that cheques are generally accepted by the Titles Office but where the payee is unknown to the department, payment may be required in cash, postal note, or money order. Inquiries are being made to determine whether cheques can be accepted in all cases.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Acting Minister for Transport), and read a first time.

ROAD AND AIR TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Acting Minister for Transport) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The major feature of the Bill before the House concerns protection for the State Shipping Service against loss of business to other shipowners who seek to enter the field when profitable cargoes are offering but do not accept the responsibility of maintaining a regular service to the public.

The remaining clauses are associated with the definition of an "omnibus." This might appear to be a little removed, but it is an amendment that has to be made while we are amending the Act to provide protection for the State Shipping Service.

When members read clause 2 of the Bill, they might wonder why it provides for the Queen's approval. Constitutionally, any measure to regulate the coastal trade of a British possession requires the personal assent of Her Majesty before it can become effective.

The Traffic Act originally defined an "omnibus" as any vehicle used to carry passengers at separate fares. For reasons concerned mainly with the licensing of drivers, the Traffic Act now limits the definition of "omnibus" to a vehicle designed to seat more than eight passengers.

As a smaller vehicle cannot be registered under the Traffic Act as an omnibus, the present wording of section 32 of the Road and Air Transport Commission Act prohibits the commissioner from licensing it for the purpose of running an omnibus service. For many years, five-passenger cars have been used to run omnibus services—that is, to carry passengers at separate fares—and in some country areas where traffic is light this is the only way of providing a service.

The amendment proposes to delete the words "as an omnibus" so that the section would then read—

> A license shall not be granted for an omnibus under this part unless the vehicle is licensed in accordance with the Traffic Act, 1919.

I shall endeavour to explain the other clauses as I proceed, without labouring particular points. It will be noted that any vessel of less than 80 tons register is excluded from the definition of a "ship." In other words, the provisions would not apply to vessels under 80 tons.

Under the meaning given to "coastal trade" in subsection (2) of proposed new section 47A, the control would apply only to ships carrying cargo from one port to another within Western Australia. Subsection (3) excludes the State Shipping Service from the need to apply for permits.

Clause 7 sets out the main provision as new section 47B. In effect it prohibits a ship engaging in the coastal trade without a permit issued by the Commissioner of Transport and places the responsibility on the master, owner, charterer, and agent of a ship.

A distinction is made between a "license" which the commissioner may grant for any period up to three years and a "permit" which would cover a single voyage only. I think this system is well known to members in respect of road transport.

Subsection (8) provides for fees to be prescribed for the issue of licenses or permits. It is difficult to estimate the cost of administering these provisions, but the intention is that the level of fees would be sufficient to cover only the administration cost.

In clause 8 we have detailed the circumstances under which the commissioner would be obliged to grant permits. This is drawn up on the basis that a license or permit will not be refused if the State Shipping Service is unable or unwilling to meet the demand, having regard to the nature of each case and its urgency and importance.

Under subsection (2) of new section 47C, the commissioner would be obliged to take into consideration the public interest, the needs of ports and their hinterland, and the public funds invested in the State Shipping Service.

Clause 9 sets out the enforcement provisions as a new section 47D, to empower authorised officers to board ships and inspect cargo and the relative documents. A penalty of $300 is provided on conviction of any person in charge of a ship who refuses to allow inspection of the ship or its cargo or documents, or to state his name and address.

Clause 10 states that a prosecution for an offence may be brought at any time. With the movement of ships to and away from the State, the legal processes entailed in enforcement cannot always be undertaken within the normal statutory limit of six months.

Clause 11 sets out a new section 47F. This is a "saving" provision to avoid any conflict with the Western Australian Marine Act, 1948.

In reviewing the need for protecting the State Shipping Service from what has been called "pirating" of the more profitable cargoes by "foreign" ships, first regard must be had for the development of our northern regions and the people who live and work there. In some of the less distant places, such as Carnarvon, road transport has been found to be an adequate substitute for shipping, but as we move further north—particularly into the Kimberley—we must still regard the shipping service as essential to the economy of those areas.

If we were concerned only with the spasmodic loading of construction materials as the different projects developed, the simple answer would be to do away with the State Shipping Service and abandon the capital invested in it, leaving the various industrial undertakings to charter whatever shipping they may require for large consignments. But we cannot overlook the thousands of small consignments ranging from foodstuffs, general stores, and other domestic requirements for individuals, to stores and equipment for industrial concerns. These require a service which can be relied upon to operate as regularly as possible whether a particular consignment is profitable to it or not.

Full utilisation of shipping space and facilities is the keynote to economy and for this reason the larger volume of big consignments is essential to the State Shipping Service for this purpose. The benefit from this traffic can assist in maintaining the "week-in week-out" service which is essential to the north.

The future of the State Shipping Service and its value to the State have received a lot of deep concentration and consideration in the last few years. Any thoughts of doing without it are untenable at this stage. On the contrary, its importance is considered great enough to require the expenditure of some millions of dollars in modernising the fleet by purchasing special barge-carrying vessels, or "LASH" ships, as they have been called.

This type of investment cannot be warranted unless it can be made to produce the greatest possible return—in service to the community and in dollars to the State. This is the justification for proposing the type of legislation now before the House. Industrial development will not be hampered because there is ample scope for authorising the operation of other vessels on occasions and under circumstances when the State Shipping Service cannot meet the demand.

Members will appreciate that the Bill is really being introduced at this stage because of the proposed introduction of this new type of ship. In the meantime, we have changed the conditions under which permits will be given for cargoes moving by road north of the 26th parallel. These permits are available from the 1st September on an "as of right" basis, subject of course to complying with the necessary traffic laws and so on. The only exclusions at the moment are in respect of refrigerated cargoes where services are necessary

to communities on a reliable and regular basis, and in respect of the Shire of Carnarvon.

We believe this will not only enable the residents of the north to be more selective in their choice of transport to meet their needs, both as to economics and convenience, but it will also pave the way for the day when the "LASH" ships have to compete more vigorously and on an economic basis in an ordinary commercial way in the north. It was felt that those ships should be given this protection against "pirating."

I hasten to add that there is no suggestion that other ships will not be allowed to operate on our coast, but this Bill does give the commission a chance to judge each application on its merits, and where the State Shipping Service can be used it will be used.

Clause 12 is the final clause in the Bill. It seeks to add a new subsection to section 49 of the principal Act to provide for the conviction of any person who hinders or obstructs an authorised officer of the Road and Air Transport Commission acting in the course of his duty, or who threatens, intimidates, or abuses an officer. Although there are clauses of this nature in other Acts—and with provision for a penalty much more severe than $100—there is nothing in the present Road and Air Transport Commission Act.

On various occasions officers carrying out their duties have been subjected to intimidation and abuse, and even physical violence. Therefore there should be some provision to guard against this sort of thing, and this clause has been included. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Fletcher.

WORKERS' COMPENSATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 26th August.

MR. MOIR (Boulder-Dundas) [2.56 p.m.]: Mr. Speaker, this Bill represents some steps forward in some respects, and of course nobody would quarrel with that. Two big advances are made by the Minister in the Bill.

One proposal—the recognition of *de facto* wives—is not a new one, as it was introduced on more than one occasion by the Hawke Labor Government in Bills to amend the Workers' Compensation Act. Although agreed to by this Chamber, the proposal was rejected when it reached another place.

However, the Minister is breaking completely new ground as far as Western Australia is concerned by providing in the Bill that compensation will be paid where a worker suffers an injury at work through his own wilful misconduct. In the event of his death through the accident, compensation will be paid to his dependants, and to the worker himself in the case of serious disability arising from that accident. As the Minister has told us, a similar provision has been embodied in legislation elsewhere in the Commonwealth but it has not been attempted here before.

On the whole, I commend the Minister for the improvements that this amending Bill will make to the Workers' Compensation Act if it is agreed to by this House and the other Chamber. At the same time, there are shortcomings in the measure because, as I see it, events that will occur in other States in regard to their workers' compensation laws will place the provisions of this Bill in the same position as they were in earlier this year.

In his opening remarks the Minister made reference to the comments that were made regarding those eventualities and shortcomings when a Bill to amend the Workers' Compensation Act was before the House earlier this year. The Minister said in his speech that that was one of the principal reasons for this Bill being brought forward now.

Reference was made to the committee which examined the Workers' Compensation Act and made certain recommendations to the Minister. The Minister will have a letter dated the 28th August from the Trades and Labor Council of Western Australia, over the signature of Mr. J. Coleman, the secretary of that organisation. I have a copy of that letter, which reads—

> The present Bill accommodates to some extent three of the matters still outstanding which were submitted to the enquiry Committee by this Council. There are some sixteen items to be attended to from the Trades & Labor Council, two from Dr. McNulty, one from the Chairman of the Board and some 15 items from the Law Society of Western Australia. We, therefore, suggest that having regard to movement announced in the Commonwealth Employees Compensation Act, a copy of the Memorandum and amendments being in your possession, having regard to the amendments indicated in respect to the New South Wales and Victorian legislation, that it would be wise for you to reconstitute the Committee to enable further amendments to be considered in the March Session of Parliament, 1971.

Of course, we in this Chamber all know that there will be no March session in 1971. However, it is the desire of the Trades and Labor Council that the committee be reconstituted to look into these matters. I can well imagine that we would find no quarrel with the recommendations put forward by Dr. McNulty. He

is an expert on industrial diseases and is entirely disinterested from the point of view of paying the compensation to the people who are unfortunate enough to have to receive it.

In general, the Trades and Labor Council expressed its approval of the measure in the letter forwarded to the Minister. I quote again from the letter—

> 1. General: Having regard to the desirability to ensure that these amendments are assented to and operative prior to the Basic Wage decision, we accept with the following recommendations that the Bill should be processed at the earliest possible time. We feel that the measure should be accepted as an interim variation and depending upon the Basic Wage decision, further re-consideration may have to be given.

That is the considered opinion of the Trades and Labor Council as presented to the Minister.

Having said that, I will proceed to deal with the items included in the Bill. Where a *de facto* relationship exists for one reason or another—or maybe for several reasons—and the worker suffers a fatal injury his *de facto* wife receives no compensation. I have had personal experience of this type of case as a union official and also since I have been a member of Parliament, and I know that a problem exists concerning the worker's family.

It is true that the provision contained at page 36 of the Workers' Compensation Act has alleviated the problem considerably. That provision has been there for many years. It concerns the recognition of the guardian of a child of a deceased worker and, of course, it has been of immeasurable assistance in some cases. However, I can see no good reason why a *de facto* relationship should not be recognised, and I have been of that opinion for many years.

Such relationships have been recognised in other legislation for many years. I know *de facto* wives are recognised under the Commonwealth social services legislation, and have been for a long time. I think it is well over 20 years since I first successfully applied for a pension to be paid to a *de facto* wife under the Commonwealth social services legislation.

I have some details on the matter for which I am indebted to Mr. T. A. Hartrey who, as most members would know, is an expert in legal matters regarding workers' compensation. I suppose he is one of the foremost men, at least in Western Australia, on these matters, and I am pleased to say that I confidently expect he will follow me here in this Chamber to represent the people of the electorate of Boulder-Dundas when I retire at the next election. In regard to the proposed *de facto* provisions, Mr. Hartrey had this to say—

> By the Act of 1912 an illegitimate son or daughter dependent upon a deceased worker was included as a member of the family, and the father, mother, sisters and brothers of an illegitimate deceased worker were deemed to be members of his family for the purposes of compensation. The new amendment proposes merely to extend to a *de facto* wife the same protection as is extended to a legal wife. Having regard to the fact that the Pensions Department has done this for the past twenty years, and the same principle is to be found in the Fatal Accidents Act of 1959 section 3 (2), no one, these days, will cavil at this recognition of a *de facto* relationship. On the other hand, it seems only reasonable to insist on a three-year period of cohabitation to establish such a relationship; less than that would hardly be sufficient to prove dependency.

I suppose our views might differ as to what length of time would be needed to prove a *de facto* relationship as being permanent and we recognise that some period of time must be laid down. It seems to me to be reasonable to require a period of three years. However, a legal problem arises on this question with regard to a *de facto* wife and somebody who may be the legal wife of the worker being in existence at the same time. I will not delve into that matter because my colleague, the member for Mt. Hawthorn, has certain views which he will no doubt put to the House at a later stage. It could be a problem. Mr. Hartrey, referring to the wilful misconduct provision, went on to say—

> The same remarks would apply to the proposed amendment to section 7 (2). This essential requirement, introduced in England in 1906, has never yet been attempted by any government, Labour or Liberal, in Western Australia.

So the Minister can take full credit for that. To continue—

> The first English Act of 1897 and the first Western Australian Act of 1902 contained the present proviso, that no compensation is payable where the injured worker has been guilty of serious and wilful misconduct. The English *Liberal Government* in *1906* introduced the proviso now proposed in this State, viz. add the words, "Unless the injury results in death or serious and permanent disablement." As death certainly, and serious and permanent disablement almost certainly, impose a greater burden on the innocent dependants than on the

foolhardy worker, it is only just that they should not be compelled to suffer for some reckless misdeed of their bread-winner. We repeat that all we can say about the proposed amendment is that it is very much overdue, never having been previously attempted by either Labour or Liberal governments.

That is also my recollection: that this has never been put forward previously. It is certainly a step we appreciate. Personally, I could never understand why the dependants of such an injured worker should be penalised by virtue of the fact that they receive no compensation. After all, it is not their fault that the worker is injured.

Then again, there is a certain degree of mitigation to be taken into consideration. We have many laws governing the employment of workers in various industries. I can instance the Mines Regulation Act which governs the working conditions of men employed in the goldmining industry. That Act provides that certain safety precautions must be taken, and if any man does not abide by the rules and regulations laid down he is guilty of misconduct. If he becomes injured whilst he is committing a breach of the rules and regulations, it can be said that the accident was caused by his own misconduct.

Let us pause for a moment to examine these regulations. In the Government service and in other places we find that regulations are breached every day with the cognisance of the employer, the supervisor, or whoever may be in charge of the job in hand. This is also borne out by the fact that much disruption is caused when a disgruntled group of workers, who probably have a just grievance that they cannot have rectified, decide to work to regulations. That is, they decide that they will observe, to the letter, the regulations that are laid down for the proper conduct of their work. As a result, chaos reigns. Therefore it is a very simple matter for a worker to break the rules during the course of his employment, and if he becomes injured whilst committing the breach he can be accused of misconduct.

I know that this has happened in the mining industry with which I was connected for so long. I know that accidents have happened as a result of a worker not adhering to the safety regulations, but the management, being realistic and practical about such matters, has never, to my knowledge, raised the question of misconduct. However, that is not to say that it cannot be raised.

I can recall a miner at Norseman being involved in a very serious accident with extremely lamentable results so far as he was concerned. The breaking of regulations by the men had been condoned by the employer and the inspectors of mines for years, and, as far as I am aware, in this particular instance the employer did not raise the question of misconduct.

On the notice paper the Minister has given notice of an amendment to section 8 of the Act to add the word "mesothelioma." I do not know whether I have pronounced it correctly, but it is a medical term for a type of cancer and a disease that workers in the asbestos industry can contract only too readily. It is a terminal condition in the lungs following a worker contracting asbestosis. Many workers who were employed mining asbestos at Wittenoom Gorge contracted the disease; but a worker is in danger of contracting it at any place where asbestos is processed or mined. Therefore the Minister's amendment will prove to be a sound provision to insert in the Act.

I think the State Government Insurance Office has been recognising mesothelioma in recent years as a disease that can be the end result of a worker suffering damage to his lungs by asbestosis. I can recall raising a case with the State Government Insurance Office about four years ago and at first the insurance office would not recognise it. I was told that the State Government Insurance Office had already paid the full amount of compensation for a man who had died as a result of this disease, but it refused to pay his funeral expenses. Following some correspondence with the insurance office setting out my views on the case, upheld by one of the principal officers of the Public Health Department at that time—he stated that the State Government Insurance Office should accept the responsibility—the decision was reversed.

It is remarkable that it is only when one is confronted with such a question, and one makes specific inquiries about it, that the true situation is revealed. I have learned that Germany has had much greater experience with this type of disease than has any other country and it has conducted a great deal of research in regard to it. The position is much the same in England. We could do well to study the methods that have been used in those countries to determine the incidence of industrial diseases in this State; not only the one I am speaking of now, but all industrial diseases.

In Great Britain an organisation has been set up, equipped with laboratories and staffed by medical men employed by the Government, to study industrial diseases of which there are many, and with which we will undoubtedly be confronted before long because of the new types of industries that are being introduced to this State, such as the iron ore and nickel industries. I understand that the mining of these two metals will bring forth many industrial diseases with which we are not acquainted at present. One of my colleagues, The

Hon. R. H. C. Stubbs, M.L.C., has just returned from a trip overseas where he made a special study of workers' conditions in the nickel industry in England and on the Continent. I believe he has collected a good deal of information on the diseases that are contracted by the workers in this industry and I am looking forward to hearing what he has to say about section 8 of the Workers' Compensation Act.

Since the closure of the asbestos mine at Wittenoom Gorge, it has been suggested that it will be resurrected. I can only hope that it will never be resurrected, but that it will remain closed in view of the toll it has taken of the workers who were employed in that industry. It is horrifying to learn of the number of men who were affected. Any man who worked in the mine for any length of time was doomed. It was only a question of time before he contracted the disease. Asbestosis is no respecter of persons, nor is it confined to workers who work underground. Any man who was engaged on the plant at Wittenoom Gorge was subject to contracting the disease. To my knowledge the manager of the mine and a typist in the mine office contracted the complaint.

So little was known about asbestosis at that time that the company paved the tennis court with crushed ore from the mine at Wittenoom Gorge, and it was not until it was realised that asbestosis was such a damaging disease that the surface of the tennis court was removed. Every man, woman, and child who played on the tennis court inhaled particles of asbestos. Whether they inhaled sufficient of it to contract the disease, I do not know.

Asbestosis, however, is a most insidious disease; it is far worse than silicosis. Silica is breathed into the lungs in fine particles which are dissolved by the moisture in the lungs and also by the body fluids. This forms an acid which, of course, produces the nodules that develop in the lungs. While silicosis is a very bad disease, asbestosis is far worse, because the particles do not dissolve when they reach the lungs.

The asbestos particles do not have a chemical action but a mechanical action, because the asbestos fibres cause damage to the person's lungs for the rest of his life. No doubt we will probably discover other industrial diseases, and since we have in the Public Health Department some very able doctors who are well versed in industrial diseases, I would like to see a laboratory set up in this State where such diseases could be studied.

The type of laboratory I have in mind is similar to that which was set up in Great Britain in 1925. A considerable amount of evidence and knowledge on industrial diseases has been gathered as a result of this laboratory; and I do not mean only on those diseases which affect the lungs but also on those which affect the other parts of the body.

As we all know, industrial workers come more and more into contact with chemicals of various kinds which are used in particular industries. We find that even farmers, horticulturists, and market gardeners come in contact with chemicals and fertilisers which they use in their particular type of work and, as a result, there is every chance of such workers contracting dermatitis. If those workers come under the provisions of the Workers' Compensation Act we should know as much about these things as is possible so that they may be treated for any disease they might contract.

If our Workers' Compensation Act is deficient in so far as it relates to the complaints in the third schedule, we should amend the Act to include the necessary provisions to cover the chemicals with which the workers might come into contact which might have a deleterious effect on them.

There has been quite an improvement in relation to section 8 of the Act by the inclusion of an amendment brought down by the Minister. This deleted subsection (11) of section 8. It now means that where a worker contracts silicosis and is found to be suffering to a certain percentage from that complaint, and he has no other industrial disease, he is placed on weekly payments on which he stays while disabled until the total amount is used up.

We have two different situations, however. The first of these relates to the person who, having contracted silicosis, elects to keep on working in the industry for as long as he can. As we get older, of course, we tend to become more susceptible to complaints associated with old age—in other words, *anno Domini* catches up with us—and we suffer from what might be termed non-industrial disability.

The man to whom I refer is in a totally different category. If his disability is 35 per cent. silicosis caused and 25 per cent. as a result of a non-industrial disease, he gets only the 35 per cent. and no more. This means that if a comparatively young man contracts silicosis to any degree which is disabling, he should immediately get out of the mining industry, because if he stays in the industry he will be jeopardising his entitlement to worker's compensation.

There would be no industry in Western Australia which is so short of experienced people as is the mining industry; and I now refer to all types of mining, including the mining of iron ore, nickel, gold, or any other type of mining. As I say, all forms of mining are short of experienced men. Indeed, it is considered a tragedy by the management if an experienced worker—a man who is expert at his work—decides to retire from his job, even when he is fairly elderly.

I have known cases where men have reached 65 years of age and have considered leaving the mining industry but have been asked by the management to stay on and take a lighter job which might perhaps entail the training of other men. If those men oblige the employer and stay on and earn full wages, they are doing themselves a disservice because the State Government Insurance Office has adopted an attitude—and this may have been tested recently in connection with workers' compensation cases; if so, I would be glad if the Minister will let me know the position—that at 65 years of age a man is not necessarily disabled by the fact that he has silicosis; he is disabled by virtue of his age. The State Government Insurance Office says that such a man is too old to work, and in such cases it has refused to pay compensation.

I know of a recent case of a man who reached 65 years of age, who left the mining industry and who some years before contracted silicosis. He later went to work for another employer who ruled that his employees must retire at 65. The case to which I refer is in the electorate of the Leader of the Opposition; in the Melville Town Council area. Having reached the age of 65 the man in question retired because that was the ruling of the employer. He then applied for worker's compensation because he was assessed as having 35 per cent. disability from silicosis. That did not relate to the job he was doing at the time but to the work he had done previously, during which he had contracted the disability.

The State Government Insurance Office said, "You are only 65; you can get a light job somewhere"; and it refused to pay him compensation. So far as I am aware it has not yet paid him compensation, and the only recourse he has is to take a light job somewhere, discover he cannot do it, and then tell the State Government Insurance Office. The question of his getting a lighter job, of course, would depend on whether the new employer would be prepared to employ him at 65. But if he was so employed, and he found he could not do the job, he could then re-apply to the State Government Insurance Office, mention this fact, and say he is again claiming workers' compensation. I do not know what view the State Government Insurance Office would take of such a proposition. I am merely mentioning this to indicate that the S.G.I.O. cannot have it both ways—not legally. Indeed, it cannot even have it one way.

I understand that recently some of these cases were brought before the Workers' Compensation Board, but I have not been acquainted with the results. It is regrettable to find that a worker, who knows that he is suffering from silicosis because he has felt the effects or because he has been told by his doctor or a chest specialist, should continue to work in the mining industry. Very often this type of worker continues in the industry at the request of the employer. I know employers in the mining industry are loath to lose their experienced workers, because in these days it is very difficult to obtain experienced men. Many of the employers use the workers who have a degree of silicosis in light jobs which do not require much physical exertion. They have even used some of these workers to train the new miners. In general, employers do not like to lose the services of these experienced workers, and they prevail upon them to continue working in the mining industry. All these workers are doing by continuing in the industry is prejudicing their entitlement to compensation.

Several problems will arise from the proposals contained in the Bill, in that certain basic amounts are to be increased. It is proposed that the amounts in the first schedule be raised; and if they are we will find that the amounts in the second schedule will get out of alignment. I do not know what the Minister proposes to do in this regard, and I would like to hear his comments. In the first instance, the amounts in the second schedule were based on the amounts that were provided in the first schedule. When the amounts in the first schedule are increased, then those in the second schedule get out of line.

Another problem is that the legislation of Western Australia lags behind that of the other States; and surely this is not good enough in these times. We all believe that in Western Australia we have a State that is rapidly progressing, both industrially and commercially. In fact, we are often referred to as an affluent society. If we are an affluent society, and Western Australia is making the progress it appears to be making, then it is not good enough for Western Australia to lag behind the other States in respect of workers' compensation.

I think I am correct in saying that in the early 1920s the workers' compensation legislation of Western Australia led that of most of the other States. By and large, the Act which was in existence in Western Australia in those years was regarded as one of the best types of workers' compensation legislation in Australia; but for some time now our legislation has lagged behind that of the other States.

I want to have on record the amounts that are now payable in the other States, the amounts now payable in Western Australia, and the amounts proposed to be payable in this State. In New South Wales the adult male rate and the adult female rate are the same; the rate is 75 per cent. of the average weekly earnings, with a

maximum of $26. The wife's allowance is $7 a week, and the child allowance is $3 a week.

In Victoria, the adult male and the adult female rate is $20 a week or the average weekly earnings, whichever is the least. The wife's allowance is $6, and the child allowance is $2.50.

In Queensland the adult male rate is 80 per cent. of the average weekly earnings, with a maximum of $29.30; and the adult female rate is 80 per cent. of the average weekly earnings with a maximum of the female basic wage. The wife's allowance is 23½ per cent. of the basic wage, and this amounts to $8.60; while the child allowance is 7½ per cent. of the basic wage, and this amounts to $2.75.

In South Australia both the adult male rate and the adult female rate are 75 per cent. of the average weekly earnings, with a maximum of $27. The wife's allowance is $9, and the child allowance is $3.50.

In Western Australia the adult male rate is $26.10 at the present time; and the Bill proposes to increase it to $27.30. The adult female rate is $19.60, and it is proposed to increase it to $20.25. The wife's allowance is $6.90 at the present time, and it is proposed to increase it to $7.60. The child allowance is $3, but it is not proposed to increase that. On the face of it the figures might not appear to be too low.

In Tasmania the adult male and the adult female rates are 70 per cent. of the declared basic wage, and this amounts to $29.80. The wife's allowance is 17 per cent. of the declared basic wage, which is $7.20. The child allowance is 9 per cent. of the declared basic wage, and this amounts to $3.80.

In the Commonwealth, the adult male and adult female rates are $28.15 a week, or weekly earnings if less than $28.15. The wife's allowance is $6.80; and the child allowance is $2.50. The proposals contained in a Bill for amendments to the Commonwealth workers' compensation legislation—I understand this legislation is pending—are as follows:—

Adult Male	Adult Female	Wife's Allowance	Child Allowance
$31.80	$31.80	$7.70	$2.80

The child allowance appeared to be very niggardly, and I would not like to be the housekeeper of a family with children if I were expected to keep them for $2.80 each a week. A child would have to be very young indeed to cost less than $2.80 a week to feed.

In view of the fact that in practically all of the other States legislation is pending to amend the Workers' Compensation Acts, and to increase the payments, we will find that although Western Australia is going ahead a little further in respect of weekly payments it will only be a matter of weeks or months before Western Australia is behind again. I notice that the Trades and Labor Council has commented on this aspect and has asked for a review of the legislation in March next. Apparently it does not know that in an election year the Parliament of Western Australia does not have a second sitting in March. I do not know what the Minister proposes to do. Will this legislation be stood over for another 12 months, with the rates being far lower than those applicable in the other States?

I suppose the payments are worked out by some method of calculation, or on percentages. If it is thought necessary to increase the other rates, why is it not proposed to increase the child allowance? Up to now the amount of $3 has been considered to be a fair amount for the child allowance. Is the inference that what has been paid up to the present time was too high?

Mr. O'Neil: We increased it in May from $2 to $3.

Mr. MOIR: Some of the others were increased in May?

Mr. O'Neil: No. They were adjusted according to basic wage adjustments.

Mr. MOIR: Were they? I do not think $3 is a very handsome amount on which to keep a child.

Mr. O'Neil: It is above the national average, or about the national average.

Mr. MOIR: The Employers Federation advocate in the court stated that people could live easily on $36 a week.

Mr. Cash: Not quite so.

Mr. MOIR: The honourable member would correct me on that; that is the approximate amount, and it was certainly the inference.

Mr. Lapham: Was that $36 a week for a family?

Mr. MOIR: Yes.

Mr. O'Neil: The inference was that the present method does not do justice to the worker. That was the inference, and if we stick to this method of—

Mr. MOIR: The employers' advocate was not saying that. He was saying that there was no need to increase it at all because the lower figure was the amount which would be sufficient.

Talking about an average amount, I think most of the members in this Chamber are parents and they have known what it costs to keep children. When the breadwinner of a family is injured, the family is really up against it. When a family must go on limited amounts, it is really too much altogether.

Mr. Lapham: The courts have applied a minimum standard wage now—the Commonwealth, and the State commission—of $42.40.

Mr. O'Neil: We are talking about workers' compensation at the moment, which is a little different.

Mr. Lapham: I know that.

Mr. MOIR: I have another query I would like the Minister to answer when he replies to the debate, and that is: When can we expect that this amending legislation will come into operation? I realise that I could deal with many problems and shortcomings of the Act, but I do not wish to delay the passage of the Bill in any way. However, I am wondering what will occur when this Bill is passed, which I hope it will be, by both Houses. How long can we expect it will be before it comes into operation? I am aware that a worker who gets injured today is compensated under the old provisions, whereas a worker who is injured when this legislation comes into operation will receive the benefits under this legislation. Therefore, even a day's delay could be important to someone; and entirely new amounts may be provided for.

I wish to refer to a couple of other matters which come within the scope of the legislation but which are not mentioned in the Bill. The first deals with the position of a worker who is employed on a job in close proximity to a worker employed by someone else. If the person employed by someone else is injured and the other worker goes to his assistance and he, in turn, is injured, who is responsible for compensation? The employer of the first man who is injured says that he was not employing the second man, while the second man's employer says that his employee was not working at the time of the accident so he is not responsible for compensation.

I think that cognisance should be taken of this situation when dealing with workers' compensation because we do not want the stage to be reached when a man is injured and no-one will render him assistance because of the difficulties regarding compensation. At the moment it appears that if a person rendering assistance is injured, he has to bear the brunt of it himself.

Sitting suspended from 3.45 to 4.04 p.m.

Mr. MOIR: I was dealing with matters I desired to mention regarding workers' compensation. One matter, of which quite a lot of notice should be taken by the Government, applies principally to Government employees. It could apply to private employees, but I refer to those employees who, in their occupation, have to work under by-laws and regulations—some laid down by Parliament—for the conduct of the activity which brings them into contact with the general public. Such employees occasionally come up against individuals who prove to be very awkward to deal with. These occasions, of course, occur in Government departments.

I do not know whether or not the Police Department could be considered a Government department, but members of the Police Force, in the execution of their duties, are sometimes assaulted and injured. Of course, they are covered by workers' compensation, and I know that the Police Department has, for many years, had a fund from which an injured officer is reimbursed so that he suffers no monetary loss through being disabled and unable to follow his occupation.

Mr. Craig: That is quite correct.

Mr. MOIR: However, that does not apply to other departments. An employee of the public transport system could come up against a person who was doing something flagrantly wrong. It could be that a person had refused to pay his fare, or had committed any one of a dozen breaches of the regulations, and when he was approached he assaulted the employee who remonstrated with him. Of course, we know that if one person assaults another, there is usually a case for the assaulted person to go to court and apply for damages. Damages can be awarded to a person who has been assaulted, but the awarding of damages and the obtaining of those damages are two different matters altogether.

Consequently, people who are injured during the course of carrying out their duties—duties which they are bound to carry out because of their employment—receive workers' compensation, but the gap between the compensation payments, and the normal wages which should be received, is wide. I consider a special fund should be set up by the Government to bridge that gap. I leave it to the Government to decide whether insurers should be required to contribute to such a fund.

I believe that a person who is injured while carrying out his duties—which he is obliged to do—should not suffer any monetary loss. It is bad enough that the person receives an injury, without suffering a monetary loss as well. I have known of cases where employees have received quite serious injuries which have remained with them for the rest of their lives. Of course, all that those people received was workers' compensation.

I think it is worth while mentioning this matter because a gross injustice is being done to those people who happen to be placed in such an unfortunate position.

I want to mention especially the position of the female worker. As we know, the female worker is not treated very well at all under the Workers' Compensation Act. This certainly applies in our State. In some of the other States the female worker is treated somewhat better in respect of the percentage allowed by way of compensation, but in this State she is not treated well at all.

In my opinion, the female worker is treated very badly when she happens to be the breadwinner of the family. I refer to deserted wives and widows who do not place reliance on social services but go out and take jobs. These women stand on their own two feet and they look after their families. It is absolutely disgraceful that they should be on the meagre amount allowed under the Act for a person with no dependants if they happen to injure themselves at their work.

There is an anomaly in the Act in this respect. If a worker meets her death, her dependants are entitled to receive compensation. The Act refers to a worker and mentions "his" dependants, but I am assured on legal advice that, under the Interpretation Act, the word "his" also means "her." Consequently, the dependants of a deceased female worker would be entitled to receive the amounts laid down under the Workers' Compensation Act. My quarrel is not with the weekly payments but with the size of the weekly payments, because they are so small. They should be increased.

If the father, the supporter of the family, is injured he receives a certain amount by way of weekly payments and allowances for his family. A working mother should receive exactly the same amount. I notice that the Trades and Labor Council is not at all happy over the weekly payments to adult female workers. I have a copy of a letter dated the 28th August written by the Trades and Labor Council to the Minister. It says—

> Weekly Payments to Adult Female Workers: The $20.25 represents 75% of the Male Rate and, perhaps, logically it can be associated with that of the female Basic Wage formula. However, when one comes to study the rest of the Australian Acts, we find that all other States except Queensland provide the male adult rate for female adult workers on compensation. Queensland rates approximate 96% of the Male rate.

It can be seen that Western Australia is a long way behind the rates which are paid in other parts of the Commonwealth. Female workers in Queensland are the next worse off, but even in that State the payment is 96 per cent. of the male rate. This rate applies to the female adult worker whether or not she has dependants.

I wholeheartedly agree with the representations made by the Trades and Labor Council in this respect. Payments made in Western Australia by way of compensation to the adult female worker are completely out of date. They belong to the dim, remote past if they were ever adequate or just. They are certainly unjust today. I cannot see why the Minister continues to perpetuate this injustice.

It is one of the facts of life that more and more women work today than ever before in our history. Also, more and more women support families than ever before in our history. Fortunately for them, they are able to do the work. They obtain this work and provide a better standard of living for their dependants than the standard which would be forced upon them by the Social Services Act of the Commonwealth and by certain benefits to be derived from the Child Welfare Act of this State.

By supporting themselves in this way, these women are relieving Governments of responsibility. I think we should look long and hard to see whether something can be done about this question. I know we come up against the difficulty of equal pay for equal work which, unfortunately, has not come yet. However, I believe the present Government expresses itself as sympathetic towards this goal. Some start should be made to recognise this principle in the Workers' Compensation Act.

I would like to hear the Minister's comment on this and other matters I have raised. I do not propose to speak any longer except to assure the Minister that the Opposition will not try to move any amendments to the measure. We regard it as a Bill which takes workers' compensation a few steps further forward, but we do not regard it as one which takes great strides further forward, except in the two exceptions which I mentioned previously.

I am sure my colleagues will deal with other matters which occur to them. With those remarks, I support the second reading.

MR. JONES (Collie) [4.16 p.m.]: When the Minister moved the second reading, he explained that during the passage of the Workers' Compensation Act Amendment Act, 1970, a number of issues associated with the principal Act were raised. He said that, as a consequence, the matters raised had been examined and some were covered by the amending legislation. As I see the position, the Bill amends the present Act in the main as follows:—

> It extends the provision in respect of the entitlement of *de facto* wives.
>
> It recognises that where injury to a worker is attributable to serious or wilful misconduct, compensation is payable.
>
> It amends the rates payable under certain sections of the Act.

I also note that the Minister intends to move an amendment when the Bill reaches the Committee stage. This matter has already been raised by the member for Boulder-Dundas.

The question I pose is: Why were these amendments not possible when we were considering the Act during the last session

of Parliament? When the Minister moved the second reading he clearly indicated that the matters in this Bill have been recommended by the committee which was appointed to investigate all aspects of workers' compensation.

Mr. O'Neil: They were not recommended by the committee.

Mr. JONES: Some of them were recommended and I will come to this point in a minute. I have a copy of the recommendations and a reference to it will clearly show that a number of them, although not all of them, were recommended by the organisations associated with the committee.

Mr. O'Neil: But not by the committee.

Mr. JONES: One of the points was recommended by myself. I ask: Why could not the Government have considered the question of *de facto* relationships when the Bill was before the House last session? The Minister cannot get off the hook on this one, because—

Mr. O'Neil: I said quite clearly that the Bill which was passed last session contained all the recommendations of the committee.

Mr. JONES: There are still a number of recommendations outstanding—

Mr. O'Neil: Not of the committee.

Mr. JONES: —that have been put forward. The Trades and Labor Council has already indicated—

Mr. O'Neil: Had we called the committee together again these amendments would not be before the House.

Mr. JONES: The point is that a number of the recommendations were raised by organisations associated with the committee.

Mr. Williams: They may have been raised but they were not agreed to by the committee.

Mr. JONES: They completely follow the line of the committee.

Mr. O'Neil: The Trades and Labor Council wants us to make it permanent.

Mr. JONES: Yes, the Trades and Labor Council wants it made permanent.

Mr. O'Neil: If the committee had been reconstituted to look at the question again, we would not have the amendments before us now.

Mr. JONES: The Minister will have an opportunity to put forward his point of view when he replies. I personally raised the question of *de facto* relationships during my speech on the 7th April of this year.

Mr. O'Neil: I said that I gave consideration to the matters raised by members.

Mr. JONES: What did the Minister say in addition, because this is really the important part?

Mr. O'Neil: Doesn't the member for Collie want the Bill to pass?

Mr. JONES: Listen to what I have to say. I am not opposing it. We raised the question whether the Minister would consider amending the Bill in the form submitted. The Minister replied on page 2979 of *Hansard* in the following terms:—

> At this point I might say I do not propose to agree to any amendments to this Bill.

Mr. O'Neil: That is right.

Mr. JONES: One of the amendments now contained in the Bill was raised by me during the debate in the last session of Parliament.

Mr. O'Neil: And cognisance was taken of it.

Mr. JONES: Had cognisance been taken of it during the last session, some of the widows, or the women who have suffered or lost their husbands, could have had more benefit and would not have had to wait until now.

Mr. Ross Hutchinson: Legislation is usually prepared outside the legislative period. That is the ideal.

Mr. O'Neil: I have given an undertaking that I will—

The ACTING SPEAKER (Mr. Mitchell): Order, please!

Mr. JONES: If questions are asked one at a time I can give them consideration. I cannot take them all on at once.

With reference to the remark made by the Minister for Works, the point is—as raised by my leader, I believe—that legislation is framed and brought to this House but if no notice is taken of the remarks made by members there is little use in our rising to our feet to speak on the legislation.

Mr. O'Neil: Notice was taken of what you said.

Mr. JONES: Why was something not done last session?

Mr. O'Neil: That was explained.

Mr. JONES: If it was explained, I cannot understand it. The point I raise is that some of the widows have suffered. We discussed this matter only a short time ago, during the last session, and if the Minister had it in mind I consider it could have been included last session. Reference to my speech will show that I said this provision had already been enacted in several other States.

Mr. O'Neil: It will be enacted in this State more quickly if you sit down.

Mr. JONES: The Minister for Labour must be concerned.

Mr. O'Neil: You are like a tom cat.

Mr. JONES: Apparently no-one is allowed to raise any questions in this House except the Minister.

Mr. O'Neil: You are critical of the fact that I have taken notice of your representations.

Mr. JONES: The Minister has some support here this afternoon. I trust all those supporters will make a contribution.

As the member for Boulder-Dundas indicated, the trade unions were quite happy with the inquiries and recommendations made but felt that the recommendations did not go far enough. I do not think the Minister will deny that the Workers' Compensation Act is ever-changing legislation. I appeal to him, on behalf of the trade union movement, to have this review made on a regular basis. I think it is necessary. The Minister must know that changes are already contemplated to the Workers' Compensation Acts in other States, and I hope, for this reason, that the Minister in charge of the Bill will see the wisdom in my suggestion that this committee should be retained to consider the legislation from time to time.

A number of the items submitted by the Trades and Labor Council are still outstanding. It may be true that they were not recommended by the committee.

Mr. O'Neil: And some from other organisations were not recommended by the committee.

Mr. JONES: But it will not be denied that although they were not recommended by the committee some of the provisions are in operation in other States of the Commonwealth. The trade union movement quite rightly asks: Why should the standards for workers in this State be less than those in other States of the Commonwealth? I think that is a fair enough proposition. I would like to hear the Minister's remarks about that. If it is good enough for the Victorian and South Australian legislation to cater for industrial deafness, facial disfigurement, and average wages whilst on workers' compensation, why is it not possible for similar provisions to be introduced in this State?

As the Minister said, the recommendations that were put forward by the individual bodies were not all recommended to the Government by the committee that was appointed. As he indicated, there are still 16 items suggested by the T.L.C., two recommendations by Dr. McNulty, one recommendation by the chairman of the board, and 15 recommendations by the Law Society of Western Australia that are still outstanding.

In view of the Commonwealth announcement—I have in my possession a copy of the foreshadowed legislation—and in view of the amendments foreshadowed by the Governments of New South Wales and Victoria, I hope the Minister will consider this matter because if early attention is not given to the amendments that are to be made in other States, the Act in this State will get further behind, and I do not think that is desirable. A moment ago I briefly drew attention to the provisions contained in other Acts which are not included in this legislation.

The matter concerning the T.L.C. is the definition of "widow" or "wife." As the Minister mentioned when introducing the Bill, quite clearly the qualification for an entitlement under this clause is a three-year relationship—the same provision as is contained in the New South Wales Act. The Minister is no doubt aware that the definition in the Victorian Act is very much broader, and in a number of cases the Victorian Workers' Compensation Board has judicial power to award compensation on merits.

It is the view of the trade union movement in Western Australia that similar provisions should be inserted in this Bill. I agree wholeheartedly. There may be cases where there has been a *de facto* relationship for somewhere around three years; then the relationship has been broken and resumed. I could mention a number of similar cases. I feel that in such circumstances the Workers' Compensation Board should have jurisdiction to determine those cases on their merits, rather than stipulating three years, as in clause 2 of this Bill. The Trades and Labor Council suggests the deletion of all words after "him" in the third last line of the definition proposed in clause 2 of the Bill. If that were done, our Act would contain the same provision as the Victorian legislation.

I would now like to refer to clause 4 of the Bill, wherein the payment upon death is to be increased to $11,000. Here again, we have the situation that the Federal Parliament is considering an amendment to increase the rate in the Australian Capital Territory to that prevailing in the States of Victoria and New South Wales. Last year or the year before the T.L.C. recommended that the amount be increased to $12,000 upon death. We also know that an amount of $12,000 is payable in South Australia, an amount of $12,098 in Tasmania, and $12,000 in the Australian Capital Territory.

Mr. O'Neil: What about the other States you have not mentioned? The average is less than $10,500.

Mr. JONES: The payments are less in some of the other States but, being a State on the move, we should not be behind the other States. In a publication last weekend there was an article about the State on the move which mentioned the wonderful prosperity here. I would assume that this State would be in a position to pay sums that are at least equal to those paid under workers' compensation legislation in other States of the Commonwealth.

As the Minister indicated, the fact that the State basic wage is under consideration may mean some increase in the amount payable under the Act; but, as has been shown already, the basic wage would have to be increased by some $300-odd in order that we may reach the amount of $12,000 payable in other States of the Commonwealth. For those reasons, and in view of the fact that consideration to this matter is being given in other States, I think it should receive early consideration by a reviewing committee.

I would like briefly to refer to the compensation paid to adult female workers. This is a matter which is causing concern to the trade union movement and the Trades and Labor Council. If we refer to the Commonwealth Bureau of Census and Statistics, report No. 24 of 1970, we find that in Western Australia the time lost by female workers is less than one-tenth of the time lost by males. So it will readily be appreciated that an increase in the payment of compensation to adult females will not affect the overall position. I notice that reference has been made to the Minister in relation to this matter and it could well be that an adult female worker might have to support, perhaps, five or six children. It is not unreasonable for me to suggest that she should receive the same rate as a male worker who is supporting a family. I do not think that is an unreasonable proposition.

Members of this House will know that many women receive the adult male rate of pay for the work they perform, but when it comes to workers' compensation they receive less than a male worker. I do not think that is reasonable in view of the circumstances and the figures I have quoted. I would appeal to the Minister to increase the amount of compensation payable to adult female workers to $27, which is the present male rate. This has been recommended by the Trades and Labor Council.

We know, following a question asked by the member for Boulder-Dundas on the 1st September last, the Commonwealth proposes to increase both the adult male rate and the adult female rate to $31.80. We know, too, that in many instances women already receive the adult male rate of pay. In view of the thoughts I have expressed, and the views expressed by the Trades and Labor Council, I would ask the Minister to have a further look at this proposition because I do not think it would cause any financial embarrassment. The situation in which insurance companies find themselves was indicated quite clearly during the last debate on the legislation in this House; and for the life of me I cannot see why the provisions which apply in the other States, and especially the Commonwealth, should not apply in this State. As I mentioned, the Commonwealth proposes to increase the rate of compensation for both male and female workers to $31.80.

The point that concerns me is that unless such changes are made at an early date the workers in this State could be penalised if there is a sharp increase in workers' compensation payments in other States, especially in view of the fact that there will be only one sitting of Parliament next year. I think the Minister will agree that in 1920 our Workers' Compensation Act was considered to be the leading compensation legislation in the Commonwealth. However, over the years it has gradually fallen behind the other Acts and we now find ourselves offering less benefits to the workers than those offered in other States. I wonder whether the Minister will consider introducing another Bill during this session if changes are made in the States I have mentioned; otherwise it will be late next year before those benefits flow to the workers in this State.

I would like to raise a query in connection with the delays in claims lodged with the State Government Insurance Office. We have received many complaints, especially from railway employees, that claims are held up unduly. I wonder whether the Minister will have an investigation carried out to see whether the claims are dealt with in the manner in which they should be. Delays in claims interfere with the living standards of the workers and their families.

I appreciate the amendments included in this Bill but, as I said at the outset, I do not think they go far enough. I appeal to the Minister to reappoint the previous committee as early as practicable in order that it may consider further amendments to the Workers' Compensation Act of this State in an endeavour to bring its provisions into line with those of other States so that the benefits enjoyed by workers in other parts of Australia will also be enjoyed by the workers in Western Australia. With those remarks, I support the Bill.

MR. BRADY (Swan) [4.36 p.m.]: I do not intend to speak at length; however, I wish to raise a few matters which have been brought to my notice since this Bill was introduced. In the main, the member for Boulder-Dundas and the member for Collie dealt exhaustively with the measure before us. Therefore, I do not intend to dilate on the Bill except to say that I believe it is possible the basic wage may rise almost immediately; so it seems that the workers in this State will miss out for almost 12 months, even if the amendments proposed by the Minister are accepted. I would have hoped that the Minister and his department might have been a little more generous and adopted the maximum

amount paid in other States, having regard to the position of the basic wage in this State.

I support, of course, the two members who have spoken in their request that the committee of inquiry be reappointed permanently. That committee dealt very exhaustively and very well with the matters referred to it the year before last, and those proposals subsequently came before us in the early part of this year. I think the appointment of a permanent committee of this kind is overdue; or, alternatively, I think someone in the Department of Labour should immediately confer with the other States in regard to amendments. I do not think it is right that our legislation is not amended until six or 12 months after amendments have been made to the legislation of the other States and the Commonwealth.

I have a copy of the 1969 conspectus. I understand that there is not a copy of the 1970 conspectus available to members, although the Minister has one. However, it does not matter for the sake of the argument I wish to put forward. My argument is this: If anybody studies the conspectus of the five mainland States, Tasmania, and the Commonwealth, he will see that each State differs in some degree in regard to workers' compensation. I do not think that is right.

Many workers travel around these days, and in one week they could be in South Australia and the next week in Western Australia. However, whether or not they suffer in regard to compensation depends on what State they are in at the time. We even have workers coming from New Zealand to work in the abattoirs, although I do not think many more will come after their experience last year. I believe some people came from New Zealand last week, and also this week, to help in other parts of the meat industry. I do not want to speak at length about this, but I would like to draw the attention of the Minister to one matter; and he has a copy of the conspectus in front of him.

I will quote the compensation payments that apply in the various States for a spouse. In 1969, in New South Wales, the amount was $7 a week. In Victoria, it was $6, and in Queensland, $8.35. I would like members to take particular note that in South Australia the amount is $9. Immediately under that it is found that the amount paid in Western Australia is $6.70. Why should the payments for workers' compensation vary between the States? Virtually, the basic wage in each State and the Commonwealth national wage are the same.

Mr. Cash: What is the amount paid in Tasmania?

Mr. BRADY: In Tasmania it is $6.60, and in Papua-New Guinea, it is $5.45. I do not think workers should continue to be placed in this position. Applied with capital, the working force is a major factor in the production of the gross national wealth of the Commonwealth. There should not be any disparity in the amount of compensation paid to any worker in the Commonwealth, regardless of whether the worker is male or female. In fact, with all these matters we have to lift our sights.

The other evening we heard the Minister for Industrial Development giving us a running commentary on certain people who, in his opinion, agitate the workers in industry. In my opinion the inequity of workers' compensation payments is one of the factors that create this agitation among the workers in the various States. I therefore hope that the Minister, together with one of his colleagues, will try to obtain uniformity in compensation payments in the various States of the Commonwealth instead of one State chasing another in an endeavour to bring the payments up to some sort of a level but, unfortunately, not until, in many instances, there has been a delay of about 12 months.

For example, I will cite the position of the *de facto* wife. Apparently, according to the statements made by the honourable member who is in charge of the Bill on this side of the House, and the member for Collie, some of the concessions enjoyed by a *de facto* wife were granted 50 years ago in some places, and yet Western Australia is introducing similar concessions only in 1970. Therefore, we are indeed lagging a long way behind.

During the debate somebody said—it may have been the Minister—that times are changing. That is why I am appealing for uniformity in workers' compensation payments and that we should move with the times. Since this Bill was introduced I have received a letter from a fitter stating that the compensation paid to him was deplorable. As a result of a recent compensation claim he was paid $39 a week, out of which he paid $4.30 in taxation, giving him a net amount of less than $35 a week. This man has three dependants. His normal weekly earnings as a fitter are in the vicinity of $60 to $70 a week, and most of his commitments have been based on that weekly income. In his letter he goes on to say that it will take him two or three years to pick up as a consequence of being injured whilst he was employed in industry. The fact that he is employed in industry means that both the State and the Commonwealth are enjoying the economic benefits that result. It is thoughts such as these that are uppermost in the workers' minds, and I would point out that I did not ask him to forward me this letter.

Mr. Lapham: It does not help industrial harmony.

Mr. BRADY: No, it does not, and it does not help to keep industrial peace. We should approach these questions in the

same way as they are being approached in Germany today. In that country workers and management get around a table to discuss their various problems. I have been given to understand that when a worker is recuperating from an injury he suffered whilst employed in industry he receives the same amount of wages as he does when he is on the job. In my opinion, this is a step in the right direction, because after all is said and done what is produced by a nation should be shared equally by all.

Mr. Williams: It's a pity the union representatives in this State do not adopt an attitude as responsible as that shown by their counterparts in West Germany.

Mr. BRADY: I am sure the workers at Bunbury would be pleased to hear what their member has to say on this subject, if he can make a contribution to this debate.

The fact remains that workers are not receiving a fair return from the gross national product; that is, looking at the matter from a State point of view. In case any honourable member should doubt the figures I have quoted, during the afternoon tea suspension I telephoned the Workers' Compensation Board to verify them. In this State, a worker who is earning $60 or $70 a week, receives $26.10 if he is off work on compensation, and $6.90 for his wife. However, a worker across the border in South Australia, on a similar weekly income, receives $9 for his wife, and $3 for each child, making a total of $39.

The fitter who wrote to me is employed in the railway workshops. His normal weekly pay is $56.80.

Mr. Rushton: I believe that in England a worker gets more for being sick than he does for working.

Mr. BRADY: I do not know about that, but if the member for Dale can make a contribution to this debate, I am sure the workers employed in the brickyards and in the quarries in his electorate would be pleased to hear him state that the workers' compensation payments being made today are fair, having regard to all the circumstances. What are the circumstances? The circumstances are that the insurance companies set various premiums which must be paid by the employers, and these companies are making a net profit of about 25 to 30 per cent. This is better than being an s.p. bookmaker. However, having regard to the small amount a worker does earn, the question is whether an increase should be made in his workers' compensation payments.

When we had an amending Bill before us earlier this year, I outlined many anomalies in the legislation. For example, there is the anomaly in the case of a worker who may be off work for six or nine months and then dies. All the money he has received by way of weekly compensation payments is then deducted from the total sum that is paid to the widow upon his death. This amount is $10,880, but the widow finds herself with only a net amount of about $2,000 or $3,000, which is not even sufficient to pay a deposit on a house or to buy a reasonable block of land. These are matters that must be taken into consideration.

I do not want to delay the passage of the Bill, because I know the Minister is faced with many difficulties and he must take some notice of his advisers; nevertheless, we must be more reasonable when handling compensation matters. Another point I wish to raise in connection with this legislation is that I have been asked whether those men who are engaged in offshore drilling along the coast of Western Australia are adequately protected in regard to workers' compensation.

Mr. Bertram: They would come under the Commonwealth Act, would they not?

Mr. BRADY: If they are working beyond the three-mile limit, there is some doubt about whether they are covered by the Commonwealth or the State law. I am not able to advise the person who raised the question with me, and I would therefore like the Minister to make some inquiries so that we may be certain as to what is the true position.

I now want to refer to the mining of nickel and other minerals that are being exploited from one end of the State to the other. The workers employed on these mining operations are sometimes working 80, 90, and 100 hours a week. I would be pleased if the Minister, through the Department of Labour or the Factories and Shops Department, could conduct some sort of inquiry into the working conditions of these men. We do not want to see them subjected to the industrial diseases that were contracted by miners in former years, such as those men who were employed on mining asbestos at Wittenoom Gorge. I can recall following Mr. Marshall, when he was the member for Murchison, in a debate on the Wittenoom Gorge asbestos mine and hearing him outline the conditions under which those men worked. Many of them knew that they had contracted some sort of disease, or were suffering from some kind of complaint, but at the time nobody was prepared to say that their condition was as a result of their working in the asbestos mine. Some of these men are now cripples, and others realise that their life span will not be very great.

Mr. Moir: Some of them are dead already.

Mr. BRADY: I would point out that the disease of mesothelioma was evident in some parts as far back as 20 years ago. Yet it is only in the last six months that we have introduced legislation to protect

these people. Accordingly I would like the Minister to take this matter up with his department to see whether something cannot be done to overcome the problem.

For example, let us consider the question I asked this afternoon, as to whether there was any evidence of fluoride fall-out from the Midland brickworks. The answer I received indicated that fluoride was oozing out of the brickworks at Middle Swan. No doubt it is affecting the people who live there. A most important aspect, however, is that right alongside these brickworks is a school and a hospital. I would also like to know what effect this fluoride fall-out is having on the workers in the industry.

I do not think we should wait until workers are sick and are hospitalised before we take action. Like the previous Leader of the Opposition (The Hon. A. R. G. Hawke) I feel that an ounce of prevention is better than a ton of cure. If disabilities do exist we should be prepared to find out what they are; we should not wait until workers are suffering from such disabilities before we take action or pay compensation.

Mr. Rushton: Whom do you class as a worker?

Mr. BRADY: I class everybody in industry as a worker; be he a white-collar worker, a blue-collar worker, a man in dungarees or a man working in the clay pits.

Mr. Bickerton: All but the member for Dale.

Mr. BRADY: Actually the member for Dale is not a bad sort of fellow; he tries to do his best.

I support the legislation but I do urge the Minister to make every endeavour to set up as a permanent measure the committee which made its recommendations last year. It consists of a good cross-section of the community and apparently its members get on very well together. The committee made unanimous recommendations and this in itself is a good thing.

I do believe that the improvements which were introduced last session were quite substantial and I do not wish to take any credit away from the Minister in this regard; but I do not want to see any delaying action with respect to bringing our workers' compensation legislation up to date.

The member for Boulder-Dundas said that when compensation legislation was first introduced into this House by the late Alex McCallum it was the best Workers' Compensation Act in the world. It was considered to be in the vanguard of industrial legislation and progress. Today, however, I think we can say that it is in the guard's van, because it is certainly dragging its feet.

The contribution of the workers to the gross national product is such that they must receive every consideration in these matters—greater consideration than they are receiving now—particularly when because of industrial illness they are not able to do the job they were doing while they were healthy and strong.

As members of Parliament it is our obligation to ensure that the widows and orphans—who are not organised into a union—are not let down by meagre payments, particularly at a time when they are suffering such great bereavement because of the loss of the breadwinner.

I support the legislation and I hope that the amendment which the Minister has on the notice paper in connection with mesothelioma is accepted.

MR. BERTRAM (Mt. Hawthorn) [4.54 p.m.]: Like my colleagues on this side of the House I, too, support the measure, but I take this opportunity to make a few comments on it. I will spend a few moments discussing not the new definition but more correctly the extension of the meaning of the definition of "widow" or "wife" as it appears in clause 2 of the Bill.

Before doing that, however, I will take the opportunity also to say that I believe our Workers' Compensation Act is rather too complex. I think an attempt ought to be made in the near future, if not immediately, to get the Act into a more readily understandable form so that there will not be the tremendous need to resort to case law around the world to find out what the Act is supposed to mean.

As a Workers' Compensation Act the legislation concerns, in the main, people of limited learning and of lesser means. Such people should not, therefore, have to be confronted with an Act which is difficult to comprehend and involves them in considerable cost when they wish to find out what it is supposed to mean. This is true in so many cases.

Another aspect with which I do not think we should be satisfied is the tendency to take the easy way out in matters of workers' compensation. What we do, as we shall observe from this Bill and the legislation prior to it, is to get the figures payable under the Workers' Compensation Acts of other States, and perhaps of the Commonwealth, and try to strike some sort of average.

What we do not do is to seek to work out some sort of principle, or some sort of policy; we do not stand on our own two feet. In legislation of this kind, and on so many other measures, we wait and see how other legislation works, what it does, and whether it is acceptable, etc.; we then—as in the case of the legislation before us—draw an average, and that is

that. We feel it is safe, anyhow, and we do not have to use any energy, imagination, or anything else.

This is not good and an attempt should be made to work out the figures. After all, workers' compensation is a form of insurance and an attempt should be made to work out what is in fact true compensation and true insurance. We should not follow the mob, a principle which we decry as it relates to most other people.

I now come to the meaning of the term "widow" or "wife." In my view it is a very important term because what it means is highly relevant to the other definition which already exists in the Act and has been tampered with piecemeal over the years, namely the definition of a member of a family which already appears in section 5 of the Act because "member of a family" means wife or husband, father, mother, etc.

The proposed clause does not seek to define a "wife " or a "widow" but to permit certain people to be included within the meaning of the terms, anyhow. I do not think the Minister, personally, has really given this particular part of the Bill a great deal of thought, because the provision is completely out of character with what I would expect from the Minister.

To my mind the provision contains within it a streak of meanness; it is unimaginative. I am not worried about the first seven or eight lines, but I would like to read the part that concerns me, which states—

> "Widow" or "wife" . . . includes a woman who, at that time, is living with him as his wife on a permanent and *bona fide* domestic basis, although she is not legally married to him, and who has been so living for not less than three years immediately before that time.

Time, of course, relates to the moment the worker dies. Other speakers have indicated that they would like struck out all the words after the word "him" in the third last line. I think this is a good proposition.

We could have the position where the parties had lived together on a *de facto* basis for 10 or even 20 years. I have known of cases of excellent citizens in this State who lived together for 40 years in a *de facto* relationship before they were married. There might be a break in the *de facto* relationship caused through some ruction. This would affect the part of the definition "three years immediately before the worker's death." There might be a break of three weeks before the moment of death; and if that happens then there is a break in the *de facto* relationship and it is not covered by this definition. Surely that is not the intent; if it is it creates a hardship.

Mr. O'Neil: Do you think that in any dispute before the Workers' Compensation Board this minute break in the *de facto* relationship would be taken into account by the board?

Mr. BERTRAM: I think so.

Mr. O'Neil: I do not think so.

Mr. BERTRAM: The problem that arises is that the Workers' Compensation Board has to take notice of the words in this definition; if the words are not to be heeded, then they should not be in the definition. Perhaps, cases in the matrimonial causes jurisdictions of one sort or another, may provide authority that may or may not be of assistance to the board in interpreting this definition.

How can the board shy off this definition? The words are as clear as a pikestaff. In the definition the words "not less than three years immediately before the worker's death" appear. As I have said, I do not believe that we should split straws in this way. With due respect to what others have said, it is unnecessary, unfair, and quite stupid to do that. This is the old, old problem of where a body behind the scenes tries to tell the spokesman of that body how he should present the case. That does not work out in practice just as the client should not tell his solicitor—that is, the spokesman—how the solicitor should pursue the case. No solicitor would be prepared to act for a client under those circumstances. He would want to deal with the problem as it arises.

That might hardly be analagous to what I am saying. We should have sufficient confidence in the Workers' Compensation Board to believe that it will make up its mind as to when there is a *bona fide de facto* relationship subsisting. We should not try to place this relationship in a straightjacket; that will not work. If an attempt is made to do that, all sorts of hardship will be created. It will also mean that people who see that they might miss out will be tempted not to be as frank as they should be when they appear before the tribunal. We find the same sort of situation arising with regard to pensions; sometimes the people concerned forget to tell the department the real circumstances, not because they want to do that but because the law is bad. In this instance we should not make the law bad and force people to break it or get around it. We should have sufficient confidence in the ability of the Workers' Compensation Board to decide whether a *de facto* relationship exists. Having said that I leave this point. I feel that this clause in the Bill will not be much of an advertisement for this Parliament. I do not think this is our best performance.

I was a little bit interested in what the Minister said when he introduced the second reading of the Bill; and this has

reference to the *de facto* situation. He said—

> Although the parent Act specially provides for ex-nuptial children, the product of *de facto* relationships, we have to date refrained from including their mothers as dependants.

In the ultimate that does appear to be the case, although the Workers' Compensation Board did not necessarily think that was so. I wonder whether this amendment to the legislation—at least in part—has been brought before Parliament at this moment because of the situation which came to a head in 1969 in a case to be found on page 161 of the *W.A. Reports* of 1969. It is sufficient for me to refer to the case as Re H. I will outline briefly the facts of that case, and let the House know what the board decided from those facts, and subsequently what the Full Court of the Supreme Court decided was the law applicable to those facts. The two views were very different.

After I have done that my inquiry of the Minister is to let me know when this proposed amendment becomes the law what will be the application of the law to these facts. Judging from a case of this sort I say the Act is complex; and I think there is some argument to support that proposition. One of the learned judges in the case was hardly praiseworthy of Parliament, because on page 172 of the volume I have mentioned he said, and this has to do with the definition of a member of the family—

> That the passage added by the 1948 amendment has created an acute problem of construction needs no emphasis. It is, of course, the function and duty of courts so to construe the words of Acts of Parliament as to give a sensible meaning to them, it being a cardinal rule of construction that a statute is not to be treated as void, however oracular.

The learned judge quoted a case in support of that argument. What he was saying, as did the other judges in the case, was "What on earth does this definition really mean?" I would not like to be confronted with a similar situation. I would like to feel that when we legislate in Parliament we are certain of what we are, in fact, doing.

The circumstances of the case I have just mentioned were as follows: a married man was living in, I think, New South Wales. He had a wife and three dependent children; so, in all he had four dependants. There was some upset in the family, and the husband and wife separated. The wife obtained a maintenance order against the husband. Incidentally, this man was subsequently killed.

At or about the time of the separation the man commenced an association with another woman. He came to live in Western Australia. Whilst the lawful wife pursued him as far as she could through the channels available in her State, she had no success at all in getting the maintenance order enforced. It would be a reasonable assumption, and it may well be true that this worker came to Western Australia in order to avoid the mainteance order.

This worker, having come to Western Australia, had one child from the *de facto* union; and also treated as part of the *de facto* union were two children of the *de facto* wife's lawful marriage.

The position is quite clear. In New South Wales there is the lawful wife and her three children. In Western Australia the dependants of the worker, the *de facto* wife, one natural issue of the *de facto* wife and the worker, and the two issue of the *de facto* wife from her lawful marriage. The worker was killed. Who was to benefit from the insurance?

The board held that the *de facto* wife, and the child issue of the worker and the *de facto* wife should benefit, but not the children of the *de facto* wife only, and not the lawful wife or children in New South Wales. The case was stated to the Full Court and it found something quite different. Members will notice that the board took the view that the *de facto* wife was to participate under the Workers' Compensation Act. The following is from one of the judgments, and is to be found at page 167 of the *W.A. Reports*:—

> The questions asked by the Board should be answered as follows:—
>
> (a) Was the Board wrong in holding that the lawful wife—

I have altered the wording a little—

> —was not a dependant entitled to participate in the moneys paid into the Board by the employer?

The answer is—

> Yes, because the Board misdirected itself in law in coming to its finding.

So the lawful wife is reinstated. To continue—

> (b) Was the Board wrong in holding that—

The three lawful children in New South Wales are named, and the wife—

> —were not dependants entitled to participate in the moneys paid into the Board by the employer?

The answer is—

> Yes, because the Board misdirected itself in law in coming to its finding.

The next question was—

> (c) Was the Board wrong in holding that the *de facto* wife was a dependant of the deceased at the time of his death?

The answer is—

Yes.

The last question is—

(d) Was the Board wrong in holding that neither of the *de facto* wife's children was a member of the deceased's family within the meanings of the terms "Dependants" and "Member of a family" in s. 5 of the Act?

And the answer is—

No.

Members will realise the tremendous confusion, or, if not confusion, at least the very significant disagreement there has been between the board on the one hand and the Full Court on the other. What I do not think we can afford to do, as I intimated before, is to allow a repeat of this situation when this amendment becomes law.

I have already asked the Minister the effect of this amendment in regard to the case I have just cited. In other words, who will get what in regard to all those competing people? However, particularly I would like the Minister to let me know what is going to happen between the *de facto* wife and the lawful wife. Does one of them get the lot, or do they share; and if they share, in what proportion? I would also like to know what will be the position between all the children. In addition, I would like to know the position concerning the *de facto* wife's children from her lawful marriage—not issue with the worker with whom she is a *de facto* spouse, but her own two children.

It is conceivable, is it not, that for years the *de facto* wife has lived with the deceased worker, and the children of her earlier marriage or marriages have come into the home and been taken into the home on the basis that they are just as much children of that family as the natural issue of that *de facto* relationship? I think it is right to say that in the case I have quoted those children are left out, but I doubt very much that this is the wish of the House; that is, that the children in that situation should be left out. If they are left out, then I think there should be something done at this stage to ensure that they are included.

Surely the spirit of this measure is to bring into the law and its operation *de facto* children and *de facto* spouses; and children who are, in effect, *de facto* children of the type I have mentioned should all be included and there should be no exclusion of any of them. I think it is much better that that point be cleared up at this stage. If, in fact, there is a loophole in the Bill, then let us make it good now and not at some future time, because I imagine this Act will not come before the House again during this session of Parliament, and I do not believe that a matter of this kind should wait for another year to be remedied.

MR. O'NEIL (East Melville—Minister for Labour) [5.18 p.m.]: Firstly I want to thank members for their contribution to the debate and I will endeavour to answer most of the queries raised, without particularising with regard to any one member because I think it will be appreciated that the same questions have been raised by a number of members.

I want to make the point first of all that I was a little surprised when I read in *The Independent* shortly after this session commenced, a comment by a reporter who was giving a summary of the legislation it was proposed to introduce this session, as announced in the Governor's Speech. He said that this Government, of course, would never introduce amendments to the Workers' Compensation Act which had the support of the workers, and that he would not be at all surprised to see the galleries filled with protesting workers.

I cannot understand just how he gained that impression because, quite frankly, any amendments made to the Workers' Compensation Act by any Government have always been designed to improve the situation in respect of injured workers. The reporter may have confused workers' compensation with arbitration, or something like that, and cast his mind back to some of the more fiery days in the early stages of this Government.

Some members have stated that our Act is dragging its feet; that it is not reviewed sufficiently; that we are always lagging behind; and so on. My calculations may be a little inaccurate, but from the information given at the beginning of the reprinted copy of the Workers' Compensation Act—that is, the reprint approved in July, 1969—I notice that the Act has been amended 11 times in the 11 years this Government has been in office.

The Act was amended three times during the six years of office of the previous Government. So there has been an amendment to this Act on an average of every year since we have been in Government. I think those members who have been here a little longer than the members elected at the last election will recall the perennial motion which appeared on the notice paper, moved by the then member for Mt. Hawthorn (Mr. W. Hegney). Year after year he urged this Government to introduce amendments to the Worker's Compensation Act to cover a number of features in which he considered we were behind the times. I also recall that on the occasion of Mr. Hegney's last speech in this House, when a Bill to amend the Workers' Compensation Act was before us, he indicated that he was pleased with

what had been done in respect of amendments to the Act because in his final year in this House he did not have to move his usual motion.

I am certain that all amendments which have been made to the Act, and made regularly, have done nothing but improve the situation with respect to workers' compensation. Far from being behind all the other States, as some members have indicated, we are certainly keeping pace.

There were several references to the committee of inquiry, and a request that the committee be set up as a permanent committee of review. That request was made early this year when the last amending Bill was before us. I think I pointed out, by interjection, that had the committee of review been asked to have another look at the Workers' Compensation Act the two important amendments which are now before us would not be here. Both of those matters—one relating to the recognition of a *de facto* wife, and the other relating to compensation in the case of death, or permanent or serious disablement of a worker occasioned by wilful misconduct—were before that committee but were not submitted as recommendations.

I also recall that on the last occasion we had an amendment before us the Leader of the Opposition took me to task for making a statement—which was quoted by the member for Collie—that I did not propose to accept any amendments to the legislation. There was a reason for that. It is true that a number of submissions made to the committee of inquiry by the Trades and Labor Council were not part of that committee's recommendations. It is equally true that a number of submissions made by the insurers—or the employers—and the medical profession to the committee of inquiry were not part of that committee's recommendations.

It followed, therefore, that having undertaken to introduce a Bill based on the results of the recommendations of the committee, if we were to accept proposals from one side or the other, we would have to accept counter-proposals as well, and the whole of the efforts of the committee would have been in vain. What would have been the benefit of appointing a committee of review—which committee was praised so much—if we included all the recommendations of others?

It is true that the Trades and Labor Council, in a letter which has been freely quoted, has indicated that the committee ought to be reconstituted. It was also suggested by members on the other side of the House that the recommendations should be part of the legislation. I want to make the point that if the committee of review had been asked to give further consideration to the Act then the two important proposals—one of which has not been attempted in this State previously by either the Labor Party or the Liberal Party when in Government—would not be before the House today. So, there are dangers in appointing committees.

The member for Collie was quite critical of the fact that on the last occasion the Workers' Compensation Act was before this House he raised the matter of a *de facto* wife. It seemed to me that he complained because the provision was now being considered. I could not understand the logic of his argument at all, and I am afraid that most other members in the House would agree with me.

The member for Boulder-Dundas referred to a number of matters relating to workers' compensation which were not mentioned in the Bill. This appears to be a fairly common practice when discussing a measure such as this. Many problems arise in the field of workers' compensation; the interpretation of the law, and so on.

I recall that quite recently both the Minister for Mines and I received a letter from the gold and nickel miners' supervisors association which contained some 15 or 16 questions. The letter clearly indicated—though I am not blaming the writer—that the writer had little knowledge of the problems of workers' compensation. I trust that between us we were able to provide the necessary answers. I also issued an invitation on behalf of the State Government Insurance Office and the Workers' Compensation Board stating that the officers from those two organisations were always prepared to discuss any particular matter in the interests of the workers concerned.

I want to make it perfectly clear that the State Government Insurance Office and the Workers' Compensation Board are as anxious as anybody else to ensure that an injured worker is assisted to the maximum possible under the Workers' Compensation Act. Frequently the office and the board are accused of not being sympathetic towards the workers. Quite frankly, I think that on reflection members will recognise that this is not so. The office and the board must work within the confines of the Act but they always have the greatest sympathy with the worker.

On most occasions when major issues regarding liability for compensation are in dispute, and it is a matter of the interpretation of the law, the State Government Insurance Office arranges a test case, and pays all the costs. The worker does not have to pay any of the expenses. The office is prepared to arrange for the case to be heard and determined if there is some

doubt as to the interpretation of the law. I am certain that Mr. Wills, the General Manager of the State Government Insurance Office, and Mr. Mews, the chairman of the board, have all their sympathies directed towards compensation for the injured worker.

Certain matters were raised with respect to second schedule payments and, of course, other payments under the Act. The method employed was simply to try to bring about a system of payments which, in fact, was at about the average of the other States. I want to make this point —and I made the same point when I introduced the Bill—that all payments and benefits under the Workers' Compensation Act in this State are subject to variations to the basic wage. Before the Act was amended in the early part of this year, it was necessary for a 2½ per cent. variation in the basic wage to occur before compensation payments and benefits were adjusted. That provision has now been deleted and the payments and benefits will vary with the basic wage.

Mr. Lapham: But that would not help the women to any great extent.

Mr. O'NEIL: I am talking about workers generally; we will discuss women later. This method applies to all those affected by the second schedule. There was also criticism that the amount of compensation payable upon death had not been raised to the maximum that obtains in some States—namely, $12,000.

I would point out that, until this year, the sum payable in respect of death was the maximum which a worker could claim on the basis of weekly payments. Earlier this year Parliament amended the Act to give the board the discretion to lift this limit in the case of a worker who is permanently and totally incapacitated and who lives beyond the period of time when he would normally have exhausted his entitlement, which stands in the present Act at $10,881, I believe. When I introduced the Bill, I also pointed out that the average in the other States is around $10,300. This means that the payment for death or total and permanent incapacity in Western Australia is above the average of all the States. Despite this, it was decided to increase the figure to $11,000, which certainly puts it well above the average. I also pointed out that the amount varies with basic wage adjustments.

Mr. Williams: What is the situation regarding the present case before the commission? I refer to the effect of any possible basic wage increase on this Bill.

Mr. O'NEIL: I think the member for Boulder-Dundas asked when the Bill would come into operation. It will come into operation as soon as it is passed through both Houses of Parliament. There is a reason for this. If the Industrial Commission declares a new basic wage before the Bill becomes law, the worker will not benefit by any adjustment to workers' compensation payments resulting from a basic wage decision. The Government is anxious to get the Bill through and the new rate struck. If this is done and the basic wage is declared afterwards, the worker will receive the benefit of any variations which may be occasioned by adjustments in the basic wage.

The question of female rates was raised. This certainly presents something of a problem. The attitude of the Trades and Labor Council, which is the industrial wing of the Labor movement, shows some inconsistency on this matter. It is true that most of the States are slowly moving to the point where the compensation payable to a female is the same as that payable to a male. However, it is also important to note that these are the States which have adopted the principle of a total and minimum wage, as distinct from a basic wage. I think that ours is the only State where the industrial wing of the Labor movement still insists on the retention of the basic wage and margin system for determining wages.

Mr. Lapham: It is an argument, but a very poor one; there is nothing in it at all.

Mr. O'NEIL: I assume the honourable member believes in the retention of the basic wage?

Mr. Lapham: No; it has no bearing at all.

Mr. O'NEIL: It has a bearing.

Mr. Lapham: Very little.

Mr. O'NEIL: It has a bearing, because the whole of the Workers' Compensation Act is geared to the basic wage. So far as workers' compensation is concerned, every variation and every payment is geared to the basic wage.

Mr. Lapham: The whole of the Workers' Compensation Act provides for payment for injury. The basic wage is only used for adjustments; it is used purely for industrial reasons.

Mr. O'NEIL: The honourable member has his opinion, but I am entitled to mine. The Act clearly states that payments and benefits—if they can be called benefits—vary with the basic wage. Not all the Acts of the other States include this provision, although most of them do, I think. If there is a change of attitude towards the acceptance of the more rational total and minimum wage concept, it will be necessary, first and foremost, to look at the whole matter of workers' compensation payment as they relate to women *vis à vis* men. I agree there are anomalies. Nobody can deny this.

Mr. Lapham: The Act is full of them.

Mr. O'NEIL: This is one matter which certainly needs constant review. By way of interjection I explained to the member for Boulder-Dundas why the dependent child allowance was not increased. I indicated when I introduced the Bill that the figure in Western Australia is slightly above the average, anyway.

The member for Swan talked about workers dipping out. I have clearly explained that it is the Government's desire to have this Bill passed as quickly as possible so that it becomes law before the basic wage declaration occurs. If this is done, as the Government wishes, the very thing that he is afraid of will not happen. Members may have noticed that, other than the privilege Bill, this was the first Bill introduced into Parliament this session —for no reason other than to ensure that workers would not be penalised by the Bill not becoming law after the declaration of the State basic wage, which, as members realise, is something over which I have no control.

The member for Swan gave a tirade on the insurance companies and the fact they are making too much money, at the expense of the worker as usual. I refer him to section 30 of the Act which clearly lays down that premiums payable for workers' compensation in all its forms are not determined by insurance companies, but are determined by the Premium Rates Committee consisting of the Auditor-General, as Chairman, three members of the Workers' Compensation Board, the General Manager of the State Government Insurance Office, and a couple of other members nominated by the Minister to represent tariff and non-tariff companies. The section further lays down all the matters which must be taken into account by the Premium Rates Committee in determining premiums and it includes such things as the cost of insurance, pay-outs, liabilities, administration, and the like. Therefore, the actual income —if that is what it can be called—to the insurance companies in respect of workers' compensation is fairly tightly controlled under the provisions of the Workers' Compensation Act.

The member for Swan said that the Department of Labour ought to confer with its equivalent bodies in other States to keep information on rates for workers' compensation up-to-date. First of all, the Workers' Compensation Board is independent of the Department of Labour. I am not the Minister in charge of the Workers' Compensation Board. I am the Minister in charge of the Workers' Compensation Act, but the board operates as a board, an entity virtually on its own.

When the member for Boulder-Dundas asked me a question on comparative rates, I checked with the chairman of the board and I am advised that as far as he is able to ascertain, the rates are up-to-date. He told me and I indicated this in the preamble to the answer—that the rates were those quoted in the latest issue of the Workers' Compensation Act conspectus. Of course, the amendments made to our Act in the earlier part of this year had not been included in the 1970 edition. The chairman also indicated that there is a regular exchange of amending legislation between all the workers' compensation authorities in Australia. Each one is kept advised, as quickly as possible, on amendments on any aspect of workers' compensation. Therefore, the liaison does exist.

At this stage I think I should mention the amendment I have on the notice paper which is related to mesothelioma. It is only a correcting amendment. During the passage of the Bill in May this year, the disease was included amongst those for which compensation will be payable. The amendment on the notice paper simply corrects an omission by the draftsman on one aspect of the measure. It is of no significance at all except to ensure that the Act is in the correct form.

The member for Mt. Hawthorn indicated that in his view the Act was too complex. I suppose that could be said of a considerable number of Acts. I do not think the rank and file of the population wander around the countryside reading Acts of Parliament for pleasure, but it may well be that there are difficulties in interpretation. It is probably some of those difficulties that keep the honourable member's colleagues in their profession. If lawyers as legislators made the law so perfectly clear that everybody could understand it, we would not need lawyers.

It is probably true that the system of averaging payments is not the best; but what is the alternative? These payments are laid down in the Statute. The only way to alter them is to bring them to Parliament, and this necessitates regular reviews. As I have already indicated, this Act has been before Parliament 11 times in the 11 years we have been in office. Unless Parliament, contrary to what it usually does, allows government by regulation under this Act rather than by Statute, this will always be the case. When this Act needs variation, it will have to be reviewed in the light of experience at the time and be amended by an amending Bill.

Mr. Lapham: Is it not a fact that we only fiddle with the Act instead of really getting down to it?

Mr. O'NEIL: If the honourable member can predict what will be a fair rate of compensation in the year 1980 or 2000, he will produce a formula that will be the answer to a maiden's prayer.

Mr. Lapham: Would not the amount of compensation be an amount we can reasonably be sure of?

Mr. O'NEIL: It is a matter of conjecture. I suggest that the honourable member apply himself to the task of working out a formula, and he can then see whether it gets the reception it warrants.

The member for Mt. Hawthorn described quite lengthily—but unfortunately, to me not very clearly—the problem that existed between the Workers' Compensation Board and the court. He got me so confused as to who was related to whom that I lost the point of the first question. However, I understand that it was for me to give him my interpretation of what will be the application of the law when this amendment relating to *de facto* relationships is passed.

Mr. Bertram: More particularly in the case I outlined.

Mr. O'NEIL: I am not versed in the law; the honourable member is, and if he does not know what it is all about he cannot expect a sensible answer from me. As I understand it, legislators make the law and the courts interpret it. If the courts do not understand what we are trying to do, it is our fault. If they do understand, then they are good interpreters of the law. I am afraid I cannot set myself up to interpret precisely what these things mean. If we produced laws with such precision that there was absolutely no fear of incorrect interpretation, then the legal profession would be unnecessary.

Mr. Tonkin: They would not only be unnecessary, they would also die of starvation.

Mr. O'NEIL: The other point raised was the use of the words "immediately before." I must admit that in considering the recognition of *de facto* wives as dependants we examined what obtained in the various States. I think this was one of the matters under consideration by the special committee. We saw that in New South Wales the provision is that the *de facto* wife will be recognised and she must be in residence for three years. We asked the draftsman to produce the condition that applies in New South Wales, and I presume this is it.

Mr. Bertram: She might have been in residence for 33 years. That does not come in under this amendment.

Mr. O'NEIL: As I say, I am not a draftsman or an interpreter of the law. I am asking Parliament to agree to this because we simply indicated to the draftsman that we wanted to make provision for a *de facto* wife, who we could be reasonably certain was dependent on the worker, to have the benefits of a lawful wife.

Mr. Lapham: Would it not be better—

Mr. O'NEIL: I am not the draftsman. I do not know whether it would be better or not. *De facto* wives are variously defined. For example, under the Commonwealth Act a *de facto* wife must be not less than 50 years of age or be maintaining a child or children of not more than 16 years of age.

Mr. Moir: What is wrong with the Victorian provision?

Mr. O'NEIL: I do not know. We do not know what is wrong with our provision because it has not operated yet. Let us not anticipate a problem. We have established a principle that a *bona fide de facto* wife will be treated no differently from a legal wife. As I pointed out, this Act appears to come before Parliament annually, and if we find problems it will not be long before we have the opportunity to sort them out. I thank members for their contributions to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. O'Neil (Minister for Labour) in charge of the Bill.

Clauses 1 to 4 put and passed.

New clause 4—

Mr. O'NEIL: I move—

Page 2—Insert after clause 3 the following new clause to stand as clause 4:—

Amendment to s. 8 (Compensation of worker dying from or affected by certain industrial diseases.)

4. Subsection (1a) of section eight of the principal Act is amended by adding after the word "pneumoconiosis" in line three, the passage "or, on and after the 8th May, 1970, mesothelioma".

The reason that the 8th May, 1970, is quoted is that that is the date upon which the last amendment of the Workers' Compensation Act passed into law. As I have explained, the only reason for this amendment is that the draftsman, after the introduction of the Bill, discovered that he had omitted mesothelioma in section 8 of the principal Act.

New clause put and passed.

Title put and passed.

Bill reported with an amendment.

House adjourned at 5.50 p.m.