Legislative Council

Tuesday, 19th October, 1954.

CONTENTS.

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

QUESTIONS.

THIRD PARTY INSURANCE.

As to Hospital Charges.

Hon. J. D. TEAHAN (for Hon. G. Bennetts) asked the Chief Secretary:

Is it correct that third party insurance cases admitted to Kalgoorlie or other hospitals in the State, are required to pay the high rate of 75s. 3d. per day, irrespective of what accommodation they receive?

The CHIEF SECRETARY replied:

Third party insurance cases are charged the ascertained daily cost of hospital treatment.

SUPERPHOSPHATE.

As to Regulation Covering Road Transport.

Hon. A. R. JONES (without notice) asked the Chief Secretary:

On the 16th August last, the secretary of the West Australian Fertilisers Association made verbal inquiries from the Transport Board with regard to the road transport of superphosphate. Advice then obtained by telephone from the secretary's office was that the position was in accordance with the first schedule of the Act, and further that although the Governor may make regulations, no regulation had been made in respect to this subject. Two days later, the Fertilisers Association received a letter from the board stating, inter alia, that a regulation made last year provides that if the inward load does not exceed two tons in weight, the load on the return journey must be of a weight commensurate with that of the inward trip.

In view of the fact that this final statement is at variance with the original information obtained, will the Minister inform the House—

(1) Why contradictory statements were made by the Transport Board to the Fertilisers Association?

(2) What is the true position regarding the road transport of superphosphate?

The CHIEF SECRETARY replied:

By answering this question without notice I do not wish to encourage members to indulge too frequently in this practice. Because Mr. Jones was good enough to give me a certain amount of notice of this question, I am able to supply an answer. It does not, however, deal with my department. The answers are as follows:—

(1) The advice given by telephone was correct. The officer who gave the written advice used the word "regulation" somewhat loosely in referring to a notice published in the "Government Gazette" on the 31st July, 1953, to add "rye" to the items permitted in forward loading.

(2) The true position is that where the forward loading comprises only items specified in paragraph 3 of the First Schedule of the Act, any quantity of goods may be back-loaded for the producer's own use. If "rye" is included in forward-loading, back-loading is limited to the same quantity as forward-loaded with the proviso that two tons or more of forward-loading will still authorise a full truck load to be returned.

BILLS (3)—THIRD READING.

1, War Service Land Settlement Scheme. Returned to the Assembly with amendments.

2, Constitution Acts Amendment (No. 2). Transmitted to the Assembly.

3, Government Employees (Promotions Appeal Board) Act Amendment.
Passed.

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th October.

HON. L. C. DIVER (Central) [4.39]: This Bill contains a few small amendments to the Plant Diseases Act to alter the charges made by the committees controlling the fruit-fly baiting scheme operating in Western Australia. It deals with the south suburban, the eastern hills and the Donnybrook schemes. Because of the fact that last year the south suburban fruit-fly baiting committee had an adverse balance at the end of its operations,

amounting to some £46, it made representations to the Government for an increase in its grant in order to cover that deficit. At no time did the committees request that the Bill be brought forward, but the Government intimated that it would not increase its subsidy above £1,500 a year. It suggested, in lieu, an amendment of the Act to increase the charges so that the committees could raise additional revenue.

I have read the speeches of members in another place, that of one in particular who has a wide knowledge of the subject and who gave the history of the fruit-fly baiting scheme. He pointed out that, prior to the operation of the scheme, the number of cases of fruit from the south suburban area that was condemned in the Perth market was 400 in one year. While I am an agriculturist, it seemed a dreadful price to pay for condemned fruit. The Government had provided a subsidy of £1,500 and the local growers had raised £3,000, a total of £4,500, to combat the pest.

However, behind the scheme we must realise there are many hundreds of cases of fruit that did not reach the market owing to the depredations of fruit-fly. When the fruit from that area did reach the market, it had earned an unenviable reputation which had an adverse effect upon the price received for the commodity. I am told that this could mean as much as 2s. 6d. a case less for fruit from affected areas as compared with fruit from clean areas. Consequently, when we consider the figures in "Hansard," we must realise that there is a much sounder reason for the measure than might appear on the surface. Then we have the export trade to consider because it, at one period of our history, was seriously affected.

Under existing conditions, not only is the commercial fruitgrower covered by the Act but also people residing in the area who grow one or more fruit-trees. Naturally, the committee operating the fruit-fly baiting scheme must ensure that baiting and spraying are carried on in those orchards, and it stands to reason that more time would be occupied in calling at a number of houses with backyard orchards and trees numbering up to six than would be required to go straight ahead with operations on a commercial orchard.

However, attention to the backyard orchard is still an important part of the scheme. The people who grow a few trees in their backyards receive benefits from the baiting because, if this were not done by the local committee, it would in many instances be left undone, and the owners of the property would get no fruit at all. I have been told that a case of fruit would be worth from 20s. to 30s. Therefore, the backyard orchardists are casting a greater liability on the scheme proportionately than are the commercial orchardists, and are getting off cheaply.

The fruit-fly baiting scheme should not be confused with orchard registration. They are two different things. Orchard registration is carried out by the Department of Agriculture but a baiting scheme is undertaken by a committee constituted in a given area. These committees voluntarily carry out fruit-fly baiting and spraying. It may be that nine or ten applications have to be given to an orchard during the season, so, when members are dealing with the charges later on, they should realise that they represent about one-tenth of the total cost for the year. There is no question that backyard orchards are creating a problem for the south suburban committee. In that locality, out of 1,300 registered fruitgrowers, there are 850 growers with four trees and less, so it is quite an expense to deal with them.

I regret that one portion of this Bill should have been considered necessary. If extra money were required to carry on the schemes, the Government could have raised the subsidy by £100 this year, and then the committees could have pruned their operations next year in order to make ends meet. At present I do not think we are justified in doing anything that will increase the costs—

Hon. C. W. D. Barker: What about the campaign against Argentine ants.

Hon. L. C. DIVER: I agree that the position regarding the Argentine ant is also bad but the responsibility for that pest is not left to a few individuals. We know that there are some who do nothing to try to get rid of the Argentine ant but, of course, the Government is helping substantially to combat that pest.

Hon. C. W. D. Barker: That is no reason why the fruit-fly should be let go.

Hon. L. C. DIVER: I am not suggesting that. The question to be decided is what is an economic figure for the commercial orchardists to pay. Are we going beyond an economic figure in this Bill? The vast majority of the people concerned are backyard orchardists and yet it is the commercial growers who are called upon substantially to meet the cost of combating the fruit-fly and I do not think that is fair. Men are employed with the necessary apparatus and baits to go into the backyards concerned and spray three or four trees for one shilling—the maximum chargeable under the Bill—perhaps several times a year, but I do not think it is fair that the commercial orchardist should be expected to keep the backyard grower going.

The fruit-fly baiting scheme has created a spate of controversy since I entered this House, and about 18 months ago I received

several letters in connection with the matter, and I wondered at that time if there was anything wrong with the scheme. The Minister stated that during the last few months those participating in both the south suburban scheme and the eastern hills scheme had an opportunity to exercise their vote. Speaking of the eastern hills scheme, where most of the opposition appears to come from, I think the opponents of the scheme there used every endeavour to have it defeated, but even then there were only 36 against the scheme out of the 360 who cast their votes, so evidently the vast majority were prepared to carry on with the scheme. In the south suburban area there were only 17 out of 164 against a continuance of the scheme. We can, therefore, see that at that time the vast majority of those concerned were in favour of the scheme, but a most important point is that at the time when the vote was taken there was no suggestion of amending the Act. When the people concerned cast their votes they did so under the impression that the position would continue as it was and that the charges would be no greater.

The Minister for the North-West: The charges rest with them.

Hon. L. C. DIVER: I realise that, but would remind the House that it is the backyard fruit-grower who constitutes the burden to be carried by the scheme. Is it likely that the commercial grower will continue to carry the backyard producer? The Donnybrook scheme illustrates conclusively that where the commercial growers are relieved of the responsibility of carrying the backyard producer, it is possible for the scheme to function easily within the 6s. charge, while it is impossible in the case of the south suburban scheme. It is my intention to place on the notice paper an amendment the purpose of which will be to strike out the figure "10s." and insert in lieu "7s."

I believe that the fruit-fly baiting scheme is a good thing for the State and I do not wish to see anything done that will turn the commercial growers against it. However, there is a limit beyond which I do not think they will go, and I therefore believe that we should not saddle them with unbearable costs as otherwise they might, on the next occasion, vote against the scheme. The Minister shakes his head, but I am told that that is the position and that there is a limit beyond which the commercial-growers will not go. Probably the Minister will retort that this is a voluntary scheme and that those participating in it need not increase the charge but can cut their coat according to the available cloth, but is that fair? The commercial producer is in a cleft stick. He is trying to give himself good service but at the same time is saddled with the large cost involved on account of the considerable number of backyard orchardists in the area. I repeat that £100 would have been all that was required.

The Minister for the North-West: Plus £1,500.

Hon. L. C. DIVER: Why?

The Minister for the North-West: Because the subsidy is £1,500.

Hon. L. C. DIVER: I probably should have said "an extra £100." I realise that the subsidy is £1,500, but that is a mere bagatelle in comparison with what the Government is spending on eradicating other types of vermin. Had this problem been tackled properly years ago—I do not blame any particular Government or party for the omission—it could have been overcome and had that been done the growers would not be in the position in which they are today. As Mr. Logan said, South Australia faced up to the fruit-fly menace and it cost the Government there hundreds of thousands of pounds to eradicate the pest. However, I believe it is the duty of the Government to help in this matter as far as possible and, although the Minister will probably say the Government is doing that, I think it should have agreed to meet the extra expense involved. I feel that at present we are on the borderline and that the scheme will be barely able to work within the figures laid down in the Act at present—

Hon. C. W. D. Barker: Too many people are relying on the Government for everything these days.

Hon. L. C. DIVER: There is one section of our community to which I think every consideration is due, and there I speak of the pensioners. I inquired into this aspect of fruit-fly baiting with some of the people concerned and I was informed, especially in the case of the south suburban people, that the committee does not render an account to indigent old-age pensioners. When studying the Bill, I did think that I would ask for an amendment in regard to this aspect of the legislation because where old-age pensioners have trees, and the committee overlooks them, it could be burdensome. However, I will admit that there are some people who cannot afford to attend to their trees and if the committee cannot help them, it would be merciful to destroy the trees. I hope the Minister will investigate that angle. There are only a few people concerned.

The Minister for the North-West: You say because they are poor, the trees should be ripped out.

Hon. L. C. DIVER: No, I do not say that. I would rather see the fruit-fly baiting done for nothing in the case of those people, but if the work cannot be done, it would be better if the trees were destroyed.

I will now refer to the amendments which I propose. By Clause 2, Section 12C, paragraph (d), will be amended, if

the Bill is passed, by increasing the charge for 100 plants from 6s. to 10s. In Committee I propose to move to substitute the word "seven" for the word "ten" which would make the charge 7s. for 100 plants. In referring to paragraph (b) of Clause 2, I would point out to the Minister that the words "less than seven plants" mean up to six. The charge will be 1½d. per plant, but paragraph (c) of Clause 2 concludes with the words, "whichever of those charges shall be the greater." In effect, 1s. would be the charge, but six trees at 1½d. a tree, would amount to 9d.

Why the difference? Why not a charge of 1s. for up to six trees? The whole of paragraph (b) requires redrafting. The words, "more than six but less than 100 plants" would cover from seven to 99 plants. In the case of small backyard orchards, the words in subitem C of paragraph (c) of Clause 2, "more than six" should read "not more than four." A man with six trees would then pay 1s. 6d. because he would be charged 3d. for each plant. The words I would like the Minister to study a little more closely are, "less than seven plants." The charge of 1s. must be the greater in that case.

The Minister for the North-West: It is 3d. per plant with a minimum of 1s. 6d.

Hon. L. C. DIVER: That minimum of 1s. 6d. applies only to paragraph (c) where, in the subitem, it reads, "more than six but less than 100 plants."

The Minister for the North-West: The words, "whichever is the greater" must apply.

The PRESIDENT: I suggest that the hon. member should not discuss the individual clauses, but leave such discussion until the Committee stage.

Hon. L. C. DIVER: As you say, Mr. President. I think I have covered the ground as far as I can at this juncture, but in Committee I will move for an amendment in the direction I have indicated. If the Minister investigates the points to which I have referred, especially that provision contained in paragraph (b), he will find that what I say is correct. I support the second reading.

On motion by Hon. N. E. Baxter, debate adjourned.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 14th October.

HON. R. J. BOYLEN (South-East) [5.11]: I support the second reading of the Bill. Initially, it was not my intention to speak, but I was somewhat apprehensive of the interpretation of the words "therapeutic substances". I thought that they may have referred to the ordinary type of prescription that a doctor writes daily in the course of his practice. I am now satisfied, however, that that is not covered by the definition of "therapeutic substances." I, with other members of my profession would be greatly concerned if Subsection (4) of proposed new Section 241F had been passed. That subsection refers to the preparation of a therapeutic substance by a medical practitioner for use in the treatment of his patients and also applies to a therapeutic substance prepared by a registered pharmaceutical chemist in the ordinary course of his business.

The average therapeutic substance, as defined in the Bill, is something which neither a doctor nor a pharmacologist would attempt to manufacture. I think, in some instances, it would be impossible for a medical practitioner or a chemist, even with all his modern appliances, to manufacture satisfactorily certain therapeutic substances. There was a time when practically all prescriptions were compounded by a pharmaceutical chemist. However, as modern science progressed some of the medicines, which previously were prepared in liquid form, were manufactured in the form of tablets or capsules which, in many instances, are more convenient for the doctor to prescribe and more pleasant for the patient to take.

There are various drugs, however, which come under the term "therapeutic substances" which would be very difficult to manufacture except by large drug houses. I remember once speaking to a hospital secretary who was somewhat egotistical in his attitude and who treated the British Pharmacopoeia like an ordinary cookery book. He would point out one drug and say, "Why cannot we make that up?" I told him that although it seemed simple enough to compound in any dispensary, its manufacture had only been achieved with drug houses that had plants worth from £30,000 to £40,000 to manufacture it and it would not be economical either for him or myself to manufacture such a line. Although I support the second reading of the Bill I will be much happier if the paragraph, which I have already mentioned, is struck out of the Bill. No medical practitioner would attempt to prepare a therapeutic substance under this legislation, nor would he feel confident having a pharmaceutical chemist to compound it for him.

On motion by the Chief Secretary, debate adjourned.

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Reports of Committee adopted.

BILL—ADMINISTRATION ACT AMENDMENT.

In Committee.

Resumed from the 14th October. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Section 18 amended:

The CHAIRMAN: Progress was reported after Hon. H. K. Watson had moved an amendment to strike out the words "five hundred" in line 16, page 2, with a view to inserting the words "two thousand."

The CHIEF SECRETARY: Some doubt existed as to the interpretation of Clause 2, and various versions were given. In order to clarify the clause, I referred it to the sponsors of the Bill. My interpretation was proved to be incorrect. To an extent the interpretation put forward by Mr. Heenan is the correct one. The clause is intended to apply to the two classes of estates consisting, firstly, of £500 and, secondly, £2,000. They are two separate entities. The opinion furnished by the Crown Law Department is as follows:—

> Clause 2 of the Bill adds a new Subsection (2) to Section 18 of the principal Act.
>
> Section 18 of the principal Act as it now stands reads:—
>
> > No real estate of which administration has been granted shall be leased for a longer term than three years, or sold or mortgaged without the written consent of all persons beneficially interested, or the order of the Court.
>
> The purpose of the amendment was to provide that the above section should not apply—
>
> (a) where the value of the real estate proposed to be leased, sold or mortgaged, as assessed by the Commissioner of Stamps for death duty purposes, does not exceed £500; or
>
> (b) where the gross value of the estate of which the land forms part is assessed at less than £2,000.
>
> The amendment was proposed because it was thought desirable to save the expense involved in complying with the existing provision where the value of the land which is being dealt with is comparatively low or the estate is a small one.
>
> The correct construction of the subclause, since the disjunctive "or" is used and not the conjunctive "and" between paragraphs (a) and (b) is that under (a) where the value of the real estate to be dealt with is £500 or less—irrespective of the gross value of the estate—it is not necessary to get the consent of the persons beneficially interested in it, or the order of the Court, when dealing with the real estate.
>
> Under (b), where the gross value of the estate is less than £2,000, the real estate which forms part of the estate may be dealt with without the consent of the persons beneficially interested in it, or the order of the Court, even if the value of the real estate is, say, £1,999.
>
> Two separate and distinct cases are dealt with by the clause. It was thought that, where the real estate is of comparatively low value, the provisions of Section 18 should be relaxed in respect thereof, whatever the value of the estate of which the real estate forms part.
>
> A value had to be fixed in respect of the real estate to which Section 18 would not apply and the value was fixed at £500.
>
> Since Section 18 deals only with real estate which forms part of an estate of an intestate person, it was thought that, in comparatively small estates (and the amount was fixed at £2,000), the administrator should not be required to comply with Section 18 of the principal Act.
>
> In almost every case where the husband or wife dies intestate, leaving an estate the gross value of which does not exceed £2,000, the surviving husband or wife (as the case may be) is the administrator or administratrix and the sole beneficiary. It is therefore felt that, irrespective of the value of the real estate in an estate the gross value of which does not exceed £2,000, the small estates should be saved as much expense as possible.
>
> As to the amounts which have been fixed by his Honour the Chief Justice and the Master of the Supreme Court, namely £500 and £2,000, this is a matter of policy.

Hon. L. Craig: Does the Crown Law Department say it means an estate consisting of one parcel of land valued at £500?

The CHIEF SECRETARY: It does not say that.

Hon. H. Hearn: This deals with an estate of £2,000 and under only?

The CHIEF SECRETARY: Yes, and further it applies only to intestate estates.

Hon. L. CRAIG: There is even some doubt on the interpretation of this clause by members on this side. Mr. Hearn said this deals with estates of less than £2,000, but that is not the case. Firstly, the Bill deals with lots or real estate valued at less than £500 in an estate of any size. This opinion has been verified by a competent authority.

Hon. C. H. Simpson: Not a total of £500.

Hon. L. CRAIG: No, but parcels of £500. Under this clause the administrator of an estate valued at £100,000 can sell parcels of real estate valued separately at less than £500, without getting the consent of the beneficiaries.

Hon. H. K. Watson: That means an administrator can sell 10 lots of land of £500 each on the one day.

Hon. L. CRAIG: That is so, so long as these lots were assessed separately. The word "any" is used in the clause, which means any real estate of £500. Secondly, the Bill deals with estates not exceeding £2,000 in value. If the estate valued at £1,999 consisted of real estate, then the administrator can sell it all. If members will accept this interpretation, then it will be advisable to deal with the amendments on the notice paper, otherwise no good purpose would be served.

Hon. E. M. HEENAN: I fully agree with the interpretation of Mr. Craig regarding paragraph (a). It means any item or parcel of real estate which is not assessed at more than £500. If an estate should consist of six blocks of land assessed at £500 each, the administrator could sell them all. Paragraph (b) means that in an estate which does not exceed £2,000 in value, the administrator may sell all the real estate included therein. Those are the principles involved in this measure and I support them. I hope that the Committee will not agree to any amendments.

Hon. Sir CHARLES LATHAM: I still do not agree with the views that have been expressed. The Bill refers to any real estate, which covers stock, plant, land or anything else.

Hon. L. Craig: Stock is not real estate.

Hon. Sir CHARLES LATHAM: Well, anything that is referred to. The Minister's explanation is clear. It is intended that where the estate is a small one it should not be necessary to get permission to sell. We might as well set the Act aside if, when a large estate is being dealt with, the land can be divided up into parcels of £500.

Hon. H. K. WATSON: The Chief Secretary has given a pretty full explanation of the intention of the clause. I agree with the views expressed by Mr. Craig. At the same time, I feel that paragraph (a) could be drafted so as to make it clear that the intention is that any item or parcel of land of a value of £500, even though there be 10 or 50 of them, can be sold without the consent of the court. On the understanding that that is the intention, my amendment really becomes unnecessary, and I ask leave to withdraw it.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: I tried, Mr. Chairman, to interrupt you when you were putting to the Committee Mr. Watson's request that his amendment be withdrawn, because I think the hon. member needs to reflect before making the withdrawal.

The CHAIRMAN: The hon. member asked for the withdrawal, and it was agreed to by the Committee.

The CHIEF SECRETARY: And you, Mr. Chairman, obligingly met his request.

The CHAIRMAN: I did.

The CHIEF SECRETARY: I do not want Mr. Watson to be under a misapprehension. I think the interpretation given by Mr. Craig, Mr. Heenan and Mr. Watson is wrong. If I read the Bill without consulting the notes that I put before the Chamber when moving the second reading, I would say their interpretation was correct, but the interpretation seems farcial, because under it, if we had a £40,000 estate, with real estate to the value of £30,000, the real estate could be disposed of in lots worth £500 each.

Hon. H. K. Watson: That is so.

The CHAIRMAN: Order! Mr. Watson has been given permission to withdraw his amendment, so the question before the Chair is—

That Clause 2 stand as printed.

The CHIEF SECRETARY: We cannot dovetail the selling of £30,000 worth of real estate in parcels worth £500 each with the words that have come from the Chief Justice and the Master of the Supreme Court. His Honour said that the proposals in the Bill would cheapen administration, etc., where small estates were concerned, or where the value of the land to be dealt with was low. I would not call a £30,000 estate a small one. The whole intention is to save expense on some estates; and, taking the suggestions of the Chief Justice, together with the Bill, I would say that what is intended is one parcel of land worth not more than £500.

Hon. H. K. WATSON: There is certainly a lot to be said for what the Chief Secretary has just put forward. My first amendment to paragraph (a), however, has been withdrawn. If at any time this particular paragraph comes up for interpretation by the Supreme Court, at least Parliament cannot be criticised for its wording. Coming to paragraph (b), the Chief Secretary pointed out that where a person died intestate and left only a small estate, the almost invariable practice was for the remaining spouse to be appointed administrator; it was kept in the family.

I have, on the notice paper, an amendment which will permit the administrator to sell the real estate if the estate is of a gross value of not more than £5,000. A person could die, leaving no asset other than a house, and that house and the land could well be worth £5,000. It would be difficult to visualise anything like a decent residence which could be bought for £2,000 or less. Therefore, if it is a

question of giving the administrator the power to dispose of nothing else but the real estate—the house—I feel the figure should be raised above £2,000. I move an amendment—

> That the word "two" in line 20, page 2, be struck out and the word "five" inserted in lieu.

Hon. L. CRAIG: I think the amendment should be agreed to. If a wife died intestate and the husband applied for letters of administration, he would get the whole of the estate if it were a small one. Last year we amended the Act to provide, in the event of intestacy, for £5,000 instead of £500. Under Mr. Watson's proposed amendment, the husband would get the lot. Where there is no spouse, and someone else applies for letters of administration, it is an expensive business.

Sureties have to be provided, especially if children are concerned, and the court is adamant that children's rights must be protected. The court does not accept anybody who applies for letters of administration because he may play ducks and drakes with the estate. Estates must be administered by people of some standing, and every effort should be made to give an administrator powers without his having to spend a lot of money. I think the amendment is a good one and I think the Minister for Justice agrees that the figures should be increased, but no real attempt was made to do that in another place.

Hon. E. M. HEENAN: When considering this amendment, we must bear in mind that the Bill has been introduced on the suggestion of the Chief Justice and it is breaking entirely new ground. Administrators have never been able to sell assets off their own bat. I do not think they should. After all, the person who dies may be single; he may own a few blocks of land and if this amendment is agreed to, the Public Trustee or someone else, would be able to sell whenever he thought fit. Administrators should never have that right. The law has been conservative in this regard, and rightly so.

People talk about legal costs, but it is better to incur legal costs than to have an administrator selling a block of land to one of his friends at an inadequate price. The Chief Secretary told us that the Chief Justice agreed with the figures in the Bill, and that it was introduced at his suggestion. As a result, I think we should be careful about amending it. Mr. Watson might reply and say that in these days there are not many estates of under £2,000. He may be right to a certain extent, but let us agree to the Bill for the time being and, if necessary, we can amend it next year. I would not like to die intestate and leave my house worth, say, £4,500, knowing that my brother or the administrator could sell it as he thought fit.

Hon. L. Craig: He would have to consult the beneficiaries.

Hon. E. M. HEENAN: But suppose they were infants. He would have to consult no one.

Hon. Sir Charles Latham: Now we are taking power away from them.

Hon. E. M. HEENAN: I am not prepared to agree to the sum of £5,000. If the amendment is agreed to, and young children are the beneficiaries, the administrator would be able to sell a house worth £4,500 without approaching the court or anyone else.

Hon. H. K. Watson: But he could sell £10,000 worth of shares without going to the court.

Hon. E. M. HEENAN: Do not let us get off the track. I cannot agree to the amendment.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. Mr. Craig said he thought the Minister for Justice would be prepared to agree to a higher figure.

Hon. L. Craig: He made some such suggestions.

The CHIEF SECRETARY: I was informed of that after the Bill had passed through another place, so I decided to ask him about it. He said that he thought the figures in the Bill should be agreed to because he had referred the matter back to responsible people, and they felt that the Bill should be agreed to in its present form. He may have personal views about it, but he says that, after discussing the matter with the Chief Justice, he feels that the Bill, as it stands, should be agreed to.

Hon. H. K. WATSON: This committee is a deliberative body and the question before it is one on which it is quite capable of making up its mind. At the moment, an administrator has power to dispose of any asset, other than real estate, according to his judgment, whether the figure be £2,000 or £20,000. In obtaining a position as administrator, a person has to put up a bond and, in order to obtain that bond, he has to be a responsible person because no company whose practice it is to issue bonds will do so unless the person is responsible. As a result, the administrator is under bond and amenable to the jurisdiction of the court. I submit that the principle for which the Bill has been introduced is not met by keeping to the figure of £2,000. I claim that an administrator should have the right to sell a home, valued at £4,000 or £5,000, without having to go to the court and incur the expense of obtaining an order to sell.

Hon. L. Craig: He can sell £20,000 worth of diamonds without doing that.

Hon. H. K. WATSON: Yes. I think we should look at the matter in a reasonable manner. Having regard to the present value of real estate, I think £5,000 is a reasonable figure.

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

Ayes	8
Noes	19
Majority against	11

Ayes.

Hon. L. Craig	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. Murray	Hon. J. McI. Thomson (*Teller.*)

Noes.

Hon. C. W. D. Barker	Hon. J. G. Hislop
Hon. N. E. Baxter	Hon. A. R. Jones
Hon. R. J. Boylen	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. R. F. Hutchison
Hon. C. H. Henning	(*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clauses 3 to 5, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—HEALTH ACT AMENDMENT (No. 1).

Report of Committee adopted.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the 13th October.

HON. N. E. BAXTER (Central) [6.1]: This Bill has been framed with the intention of drawing up a good Act for the administration and control of bush fires. In a State like Western Australia it is not a very simple matter because we have so many varying types of country, and what might apply perhaps to the wheat belt or north-western areas, would not apply to our forest areas. Accordingly it is most necessary to have control by a competent board and by competent officers throughout the State in order to minimise the dangers of bushfires, and in order to control those fires when they start.

In my opinion, the Bill is not exactly all that could be desired. There are many provisions contained in it that will be irksome to the private landholder, because under them he will have to do certain things which will not be applicable to the Government departments; and I am thinking particularly of the Railway Department and the Forests Department. To my mind, the Bill does err to a certain extent in not tying those departments to the provisions in the measure in order to bring them under the restrictions that will apply to the private landholder. For instance, under the Bill it is necessary for the private landholder to make breaks and to give a certain number of days' notice; he is not allowed to light fires on land adjoining railway property without advising the local authority, and without making certain breaks. Yet those provisions do not apply to the Government departments. It is most unfair to impose restrictions like those on private landholders.

There is one provision that states that where a fire is started on railway property the adjoining landholder cannot set fire to his land unless he obtains the consent of the local authority and provides certain breaks that are stipulated. It is possible that this will take perhaps three or four days—in some cases more—and yet in the meantime the fire might be burning on railway property, while the adjoining landholder has not the right to burn back to that fire or take any precautions to protect his own property by burning, unless he abides by the restrictions imposed in this Bill. I do not say the restrictions are not good ones, but I contend that before any land, be it forestry, railway or private land, is set on fire, the adjoining landholders should be given a certain number of days' notice to prepare them for the fire that will be approaching their properties. That is one provision which stands out in the Bill. Besides all that, there are certain penalties provided for the private landholder, while a number of them do not fall on the heads of the servants of the Government departments who could, of course, be just as irresponsible as the servants of any private landholder.

That is more or less the general outline of my objections to the Bill. It is essentially a Committee Bill, and I do not want to labour it very long at the second reading stage. I will content myself at this moment by supporting the second reading. There are quite a number of amendments on the notice paper with which we will deal in Committee.

HON. C. H. HENNING (South-West) [6.7]: Like Mr. Baxter, I agree that the Bill is necessary, because we have had an Act in force for some considerable time and it has been amended on a number of occasions. However, many of the provisions contained in the Bill are extremely harsh as they affect the individual, whereas Government instrumentalities seem to get away with everything. In other words, they are like Caesar's wife—above suspicion. For example, have members ever heard of a railway setting fire to country? I feel sure, however, that they have heard of a railway "allegedly" having set fire to country. That seems to me to be the theme as far as Government instrumentalities are concerned. It is always "alleged."

In the manner in which this Bill is framed, there is no question of its being "alleged" as far as the private landholder is concerned. Because of all the precautions he has to take, he definitely commits himself, and there is straightout evidence of what he has done. A large portion of

the Bill deals with the restriction of burning and the penalties which it is hoped will act as a deterrent. Sometimes, however, if we make the penalties too harsh they do not act as a deterrent, rather do they result in people going in a roundabout way and starting fires.

There are certain provisions contained in the Bill that apply to people who start, or endeavour to start, fires by various mechanical means, but those means are extremely difficult to detect, and offences arising out of their use are extremely difficult to prove. The result would be that in certain cases people could quite easily set fire to bush or country without in any way taking any precautions at all, let alone the adequate precautions specified in the Bill. We all know that under control a fire is a great friend. Without it, we would not have had the millions of acres cleared that we have had opened up in Western Australia. Once it gets out of control, however, a fire can cause tremendous devastation and havoc all along the line.

This measure is aimed essentially at preventing fires from getting out of control. Let us consider the provisions as they relate to the average landholder; to a man who takes all the necessary precautions and obtains a permit to burn and for some reason—we will say because of an act of God—the fire gets away from him. He is not only liable under civil law for any damage he may cause, but he is also liable under the provisions of this Bill. In the first place he is liable for a charge of up to £100 for the fire getting away, and is also liable to a penalty of an extra £100 for any work or services that may be rendered by the bush fire brigade, or the forestry officers, in quelling that fire.

I believe that penalties alone are not the greatest factor in preventing a fire from spreading or of ensuring that adequate precautions are being taken. To my mind the greatest single factor is the personality of the man himself who, in the first place, does not want to injure or cause damage to any man's property. I think members will find that that applies mainly to people who have to burn, and who know something about conditions in the country generally; who know that burning is necessary for clearing purposes or for whatever other use to which it may be put.

But there are also a number of people who do not realise, or appreciate, the danger from ordinary fires that are lighted for the purpose of, perhaps, boiling a billy. The bush fire brigades and those connected with the land know very well what the purpose of the Bill is. They know reasonably well what is contained in the old Act because each and every one of them is definitely interested in fires, their control and use, and are fully seized with the dangers of their spreading.

The other people to whom I have referred do not have the same appreciation of the position and it is possible that they may be responsible for the destruction of a considerable number of stock, for the damage to paddocks and fencing and so on. It does not have the same personal appeal to those people as it does to a man who has known and felt the ravages of a fire. While those people are provided for, and provided for very stringently in this Bill, if it becomes an Act, it is necessary that they should know what the intentions of the measure are. As with all Acts, a few know them and a great majority do not.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. HENNING: If a man, after taking all the precautions that are prescribed is to be held liable, then I consider that the same conditions should apply to the railways and to other Government instrumentalities. Anyone living adjacent to a railway line has seen the sparks belching from locomotives and on a hot night, particularly when a land wind is blowing, has realised what havoc can be caused by those sparks.

There are certain provisions in the Bill which I should like the Minister to explain when he replies to the second reading debate. This is a Bill for a bush fires Act, and yet there is no definition of a bush fire. "Bush" is defined as including trees, plants, stubble, scrub, and undergrowth of all kinds whatsoever. A little later in the definition clause, "stubble" is defined as including stubble, hay, straw, grass, herbage, and all other vegetation. We get all different types of fires, and I believe that what would be satisfactory to control stubble, would not be satisfactory to control bush.

The Bill provides for a firebreak of 10ft. If one were burning grass or stubble, there would be very little chance, provided the fire was attended, of its getting over a reasonable break of 10ft., but in the case of bush—and by this I mean the natural bush—a break of 10ft. would be useless. I have seen a forest fire between Dwellingup and Nanga Brook cross 1¼ miles. In the Bill, no provision is made for a case like that, other than a small break plus the natural precautions required and the approval necessary before lighting a fire.

On page 22 of the Bill, provision is made for the precautions to be taken when lighting a fire for camping or cooking. Anyone who has travelled along the roads has seen employees of the State Electricity Commission, the Postmaster General's Department and the Railway Department light fires for cooking. They light at least three fires a day—one for morning tea, one for lunch and one for afternoon tea. Is a special man to be provided by the department concerned to clear a 10ft. radius

around the fire and to put the fire out afterwards? If a fire lighted in such circumstances gets away, who will be responsible—the man who lights it, as an employee of a Government instrumentality, or the Government, or are all these people to be absolved entirely from any blame?

In these cases, there is no provision in the Bill for penalties similar to those provided for the landholder. Yet there is a provision that a road board employee is liable. That being so, why should there be no penalty for full-time Government employees?

A very tough provision appears on page 26 of the Bill. It states—

> (1) (a) Where a bush fire is burning on any land—
>
> (i) at any time in any year during the restricted burning times;
>
> (ii) during the prohibited burning times; and
>
> (iii) the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act—
>
> the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire;

There is a railway running through my property and it is a common experience to have half-a-dozen or more small fires caused during the year, but on only one occasion have I received any assistance from a railway gang to put out the fires. If a landholder has to call in the services of a bush fire brigade, is he liable for payment for the services of the brigade or not? I hope that the Minister will be able to answer that question, because the penalty is a minimum of £5 and a maximum of £100. The natural course to adopt is one of self preservation, and people do endeavour to help.

There is a provision on page 28, carried forward from the old measure, prohibiting a person, in connection with a gun, rifle, pistol or other firearm, carrying or using any wadding made of paper, cotton, linen or other ignitable substance between the 1st October and the 30th April. Of course, that sounds very well, but practically every cartridge contains cardboard which is a paper material and inflammable.

Hon. Sir Charles Latham: What about the wad?

Hon. C. H. HENNING: The wad holding the shot is of paper. The shooting season is declared officially opened by the Government about the 23rd December and yet every man that goes out shooting uses cartridges that contravene this measure. I have even seen Ministers of the Crown out shooting. What chance have we of getting people to respect the law when that sort of thing happens? We have rifle shooting and behind the .303 bullet is a small wad. The police also have occasion to use firearms when they go out on certain jobs and they are acting in contravention of the law. I have a utility and if I go out with a gun and cartridges, I contravene the law. I hope the Minister will tell us a little more about that provision because it seems to me to be absolutely absurd. While I appreciate the danger, I cannot see the use of having a provision if it is impossible to police it.

Another provision deals with smoking. A person shall not at any time smoke a pipe, cigarette or other material or substance with 20 yards of a stable, rick stack or field of hay, corn, straw, stubble, or other inflammable vegetable produce unless the place where he is smoking is within a town, or is upon a public road or highway, or the pipe is properly and securely covered. That might be all right in a town, but what about a country road? I could stand against a fence and smoke as long as I liked, even if I were standing amongst grass that had not been eaten down. The farmer might be standing on the other side of the fence; I could smoke, but he could not. How many Government officers would cut out smoking while in the country? This provision applies to everyone. It is absolutely absurd and will never be enforced. Why make a joke of things by going ahead with this legislation?

Another matter dealt with in the Bill is the responsibility for clearing a fence line. The Bill states that, if there is a dividing fence and an owner clears on one side and the owner on the other side does not clear, in the event of the fence getting burnt, the man who does not clear is responsible. That is quite all right. In the irrigation areas, there are fences to protect the drains and every year employees of the Public Works Department go along and clean the drains. Invariably they throw the material up against the fence, and then about this time of the year go along and burn it. Do they let adjoining holders know of the burning? No. Such matters do not show co-operation on the part of the Government and its employees. In certain cases, if not in every case, I consider that some attempt should be made to bring Government employees to share a reasonable amount of the responsibility. As I said before, local authorities are to be held liable. The provision states that nothing in this subsection operates so as to relieve a local authority from liability for damage resulting from a bushfire caused by or due to the negligence of an officer, servant or workman employed by the local

authority. I believe that if everyone concerned had been responsible up to a point for his own actions we would have avoided a number of the fires that have occurred in the last few years. I have not dealt with those portions of the measure that will be covered by amendments appearing on the notice paper at present. Like other speakers, I believe that this is, in the main, a Bill to be dealt with in Committee. I support the second reading.

HON. A. R. JONES (Midland) [7.46]: I rise, Mr. President, to support the Bill and to commend the Minister for having brought it before the House. At present we have an Act under which we have been compelled to work for a number of years. During that time a number of amendments have been made to it and the present measure is an effort to consolidate the Act and bring it up to date. With other members who have examined the Bill fairly thoroughly, I agree that we must be careful in dealing with certain of the clauses contained in it. I agree, also, that we do not want to end up with a farcical Bill when we have finished our deliberations on the measure.

There are two points with which I wish to deal and I think it is important that they be given serious consideration because, if the Bill becomes law in its present form, it will cut across certain principles that have existed for a number of years. I desire first to mention certain habits that have grown up in the hills area, among the orchards and small farming properties, over the years. In places such as Kalamunda and the surrounding area many retired people live on small holdings and it has been the practice for them to club together at this time of the year, as neighbours, and burn breaks around their properties, or burn off the grass on their properties, so as to protect them in the event of a fire occurring in the area.

Up till now that work has been carried out in a good spirit and with no danger whatever to the public, because these are responsible people who know what they are doing and realise what it will mean in the event of an outbreak of fire. They know that in such circumstances it would prevent the whole countryside being swept by fire. If the Bill became an Act in its present form, restrictions would be imposed on those people so that they would not be game even to attempt to burn the breaks I have mentioned. The Bill provides that a 10ft. firebreak shall be cleared around each property. It is easy to see that if we compel a person to clear a 10ft. break around a one-acre property it will be quite an expensive proposition. Clearing the grass away at this time of the year would involve a great deal of labour and, in the case of a retired person, possibly a pensioner who might not be able to do the work himself, it might cost anything from £10 to £20, and I am sure members would wish to avoid that.

In the country areas of this State—I refer particularly to the farming areas because I know the conditions that exist there and realise that they are totally different from those obtaining in the South-West and portions of the Great Southern—a fine spirit prevails at the present time. Most members of the farming community are well equipped with fire-fighting gear and when smoke appears, even up to 30 miles away, it is considered to be everybody's fire and all concerned down their tools and go to fight it. Quite often when they are perhaps only 10 miles along the road towards the fire they meet someone who tells them that it has already been put out or has been brought under control, due to the good and ready response of those adjacent to the outbreak. That is the spirit that has grown up in the farming community and it is one that I hope will never die out. If the Bill became law in its present form some of its provisions would kill that spirit and so, when we are dealing with the measure in Committee, I propose to move certain amendments.

I will content myself with commending the Minister for having brought the measure down, and I hope that when we are dealing with it in Committee we will be able to hammer it into shape so that it will be a constructive measure such as will stand the test of time over many years. I have pleasure in supporting the second reading.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser-West) [7.51] in moving the second reading said: This Bill is one of the really important measures of the session and is one of our old friends, also.

Hon. H. Hearn: One of our hardy annuals.

The CHIEF SECRETARY: Yes, because we have not been able to get for the workers of this State all we would like for them.

Hon. N. E. Baxter: The sun, moon and stars.

The CHIEF SECRETARY: No, we want only a fair deal for them, as I think the hon. member will agree when I have introduced the Bill. I deem this measure so important that I have prepared a statement and I ask members to be patient while I read it to the House. My reason for having prepared a statement is that the measure contains a considerable number of amendments and I thought that in this way I would be less likely to miss any of the important points.

This Bill is a further effort to provide adequate security for workers injured during the course of their employment, and for their dependants. The proposals in the measure are much the same as were included in the Bill of last session, which was amended in Committee and in conference. Briefly the Bill provides for increases in the benefits paid to injured workers; the payment of the increased benefits to workers receiving, or, entitled to receive, weekly payments at the time of the amendment, if agreed to, comes into operation; payment of benefits to dependants living overseas when the worker is totally or partly incapacitated; and compensation for workers injured or killed while travelling to and from work.

Taking the amendments in the order in which they appear in the Bill, the first proposal is similar to one which the conference agreed to delete from last year's Bill. At present the principal Act provides that any worker, who, on or after the 8th April, 1949, was receiving weekly compensation payments, or became entitled to weekly payments for an injury which occurred prior to that date, should receive the increase in benefits agreed to by Parliament in 1948. The 8th April, 1949, was selected as this was the date on which the 1948 amendments were proclaimed. No increase could be made to payments actually received by the worker prior to the 8th April, 1949.

The proposal in the Bill is to repeal this provision and to replace it with one specifying that whenever the Act is amended to provide for increased benefits, the increases will apply to payments made subsequently for injuries received prior to the date of increase. Opponents of this proposal have advanced the opinion that the amount of benefit should be determined by the rate in operation at the time of the injury. The Government cannot agree with this. It certainly has no application in a common law claim. I consider it to be grossly unjust that a worker who suffers a recurrence of an injury received several years previously should have to receive only the weekly payments prevailing at the time of the original injury. In some such cases the worker would receive a sum totally inadequate to maintain his dependants and himself during the period of treatment of his injury. If the proposal in the Bill is agreed to, there would be no retrospective application where a claim had been paid by lump sum, or a lump sum settlement had been made, prior to the proposed increases coming into operation.

I do not think workers' compensation cases should be treated differently from traffic accident cases. Even if a traffic accident had occurred a few years previously, the court would assess damages on current money values. It is a fact that some cases handled by the Motor Vehicle Trust have not been finalised by the court for three or four years after the accidents occurred. Subsection (5) of Section 6 of the principal Act provides that where a worker dies as a result of an injury compensation shall be paid to his dependants living in another country, provided reciprocal provisions exist in that country. The Bill seeks to extend a similar provision to the overseas dependants of workers who become temporarily or permanently incapacitated following injury. There seems little reason to reserve benefits to dependants of deceased workers, and deny them to the families of injured employees.

The definition in the principal Act of the term "dependants," provides, among other things, that the overseas families of workers who have been resident in this State for more than five years, cannot be classed as dependants for compensation purposes. There may be occasions when this sweeping provision would result in injustice, and, therefore, the Bill provides that by Order-in-Council, wherever considered advisable, benefits may be paid to the overseas dependants of workers who have been in Western Australia for over five years.

An amendment, which is considered necessary, is included to extend the benefits of the Act to persons earning up to £2,000 a year. At present the definition of "worker" in the parent Act applies to persons in receipt of an annual income of not more than £1,250, exclusive of overtime. This limit is the lowest in Australia. The only State with a somewhat similar maximum is Tasmania, where it is £1,300. These limits compare unfavourably with South Australia, £1,716, New South Wales and Victoria, £2,000, and Queensland, which since the 1st July, 1952, has had no limit. In view of these figures an increase to £2,000 in Western Australia is, I feel, a reasonable proposition.

The proposal to extend benefits to workers injured while travelling from home to work, and from work to home, is an old friend, or enemy, depending on the point of view. It was first contained in a Bill introduced in 1948 by the McLarty-Watts Government, because of promises made on the hustings, and it has been debated in Parliament on several occasions since. A similar provision has existed for many years in New South Wales and Queensland, and was recently agreed to by the Victorian Parliament. The additional charge to industry would be negligible. I am informed by the manager of the State Government Insurance Office that it would not exceed 5 per cent.

Hon. H. K. Watson: Was that before or after the recent Privy Council decision on the Victorian Act?

The CHIEF SECRETARY: That is right up to date. That is the opinion of the manager of the State Insurance Office—that it would not exceed five per cent.

The remaining amendments are designed to extend to Western Australian workers the benefits that are enjoyed by their colleagues in the other States. It was once our proud boast that Western Australia led Australia in its treatment of injured workers. That was true and we used proudly to point to our workers' compensation legislation, but we do not do that today. The situation is now reversed, and I would earnestly ask this House to agree to these proposed increases. It is a fact that Western Australian workers are considerably worse off, so far as compensation is concerned, than those in the other States.

The figures I now propose to quote will substantiate this assertion and I would like members to take particular note of them.

Hon. Sir Charles Latham: We are listening very carefully.

The CHIEF SECRETARY: The figures are as follows:—

	N.S.W.	Victoria.	Queensland.	South Australia	Tasmania.	Western Australia.
Compensation to injured workers (Maximum)	£ No Limit	£ 2,800	£ 2,800	£ 2,250	£ 2,340, but in special cases Judge may increase to £4,500.	£ 2,100
Dependants Allowance (Maximum)	2,500	2,240	2,500	2,000	2,240	1,800
Dependants Allowance (Minimum)	1,000	Nil	2,500 for total dependancy	500	Nil	600
Children under 16 years	100	80	75	75	80	60
Weekly Payments with Dependants	£12 16s. or average weekly earnings whichever is the lower	£12 16s. or average weekly earnings whichever is the lower	Average weekly earnings	£12 or average weekly earnings whichever is the lower	£11 5s. or average weekly earnings whichever is lower	£10 or average weekly earnings whichever is the lower
Without Dependants	£8 16s.	£8 16s. or average weekly earnings whichever is is the lower	£8 16s. Automatically adjusted by basic wage fluctuations	£8 16s. or 75 per cent. of average weekly earnings whichever is the lower	£9 or average weekly earnings whichever is the lower	£8 or average weekly earnings whichever is the lower
Weekly Allowance to Wife	£2 10s.	£2 8s.	£2 10s.	£2.	£2 5s.	£1 16s.
Weekly Allowance for Children under 16 years	£1.	16s.	15s.	15s.	£1 2s.	12s. 6d.

This House has taken the stand that industry cannot afford to meet the extra cost of increased benefits. However, the undeniable fact that industry in other States has not been in any way embarrassed by the increased cost caused by the additional benefits provided in those States, makes it difficult to substantiate the opposition that has been expressed here. The manager of the State Government Insurance Office has indicated to me that the additional cost would approximate 22½ per cent.

Hon. C. H. Simpson: Is that in addition to the five per cent. that you quoted earlier?

The CHIEF SECRETARY: No, that is the whole.

Hon. H. Hearn: This is the first time it has ever been admitted that it will cost more.

The CHIEF SECRETARY: I would not be so foolish as to say that we could grant increased benefits without increased costs. I quite anticipate that different figures may be furnished by members opposing the proposal, but I would like to point out that, in the past, estimates provided by the State Insurance Office have on actual experience proved to be correct. However, whatever the additional cost might be that industry would have to bear, I submit that workers in this State should be in a no worse position than those elsewhere in Australia.

So far as the worker himself is concerned it makes very little difference to him whether he becomes incapacitated as the result of an accident arising out of or in the course of his employment, or as the result of a road accident through a negligent motor-vehicle driver. In both cases the result is the same so far as incapacity is concerned. A very recent judgment of the Supreme Court gave a claimant general damages amounting to £2,250 for the partial loss of use of a leg and, in addition, the claimant received full wages for the period of his incapacity, while the whole of his medical and hospital accounts were paid by the insurer; in that case the Motor Vehicle Trust.

Compared with what an injured worker would receive in such circumstances the amounts provided in this Bill to compensate him for injury arising out of his employment are, to my mind, totally inadequate. As a matter of fact, if negligence could be proved against the employer,

the worker would receive his full entitlement at common law and would suffer no loss in wages or be required to pay any portion of his hospital and medical expenses, and would, in addition, receive a very substantial amount by way of general damages.

I would again stress that, so far as incapacity is concerned, it makes no difference to the worker whether his injury is due to the negligence of the employer, or merely to some accident where no negligence can be proved.

Members will recollect that last year the amount payable under the First Schedule for permanent total incapacity was increased from £1,750 to £2,100, although the Government desired this increase to be to £2,800, which would have placed workers in this State more on a par with their coworkers elsewhere in Australia. In addition, the Government's proposals to increase proportionately the payments under the Second Schedule—including the lump sum payment under that schedule—were unsuccessful.

The Bill provides for a maximum benefit of £2,800 for permanent and totally incapacitated workers, and provides for proportional increases of Second Schedule payments. It is proposed to increase the amount payable to the widow on the death of a worker, from £1,800 to £2,500, and the allowance for dependent children, where death results from injury, from £60 to £75. A further provision seeks to increase the percentage of average weekly earnings payable from 66⅔ per cent. to 75 per cent.

With regard to the amount of weekly payments, the present figures are £8 a week maximum for a worker without dependants and £10 for a worker with dependants. The Bill provides for £9 and £12 16s. respectively. It proposes also that where a worker is in receipt of weekly payments, the present figure of 12s. 6d. for a dependent child shall be increased to 16s. and for a dependent wife from £1 16s. to £2 10s. a week; but the maximum will be £12 16s. per week for a worker with dependants. It is further provided that the allowance to an injured worker for travelling for medical treatment shall be increased from 15s. 6d. per day to £1, with the maximum amount payable increased from £4 16s. per week to £6 per week.

There is justification for these improvements. In Queensland the total amount payable was increased, as from the 10th May last, from £1,750 to £2,800. In New South Wales there is no limit. In Victoria the amount is £2,800; in Tasmania, it is £2,340 and, in special cases, the judge may award a sum up to £4,500.

The remainder of my notes deals with the amounts that are paid in other States, but I have already referred to them. Although it is hard for members to follow figures when they are read out, they will have an opportunity to study them when they appear in tabulated form in "Hansard."

I would ask members not to oppose this Bill from the point of view that it will increase the costs in industry, but to consider the measure from the point of view of what is justice to the workers of this State. Let members consider what is paid in compensation to workers in other States. If they do that, I have no doubt that the benefits payable in this State will be increased to bring them into line with those paid in other States. I have already stated that many years ago we used to point proudly to our workers' compensation legislation as being a model for the rest of Australia. I can remember when the total amount payable for medical and hospital expenses was £1. That provision operated until about 1925. Today the amount has been increased considerably and the worker receives more justice in that regard.

I admit quite freely that, down through the years, when submitting amendments to this legislation, there have been increases granted by Governments of varying complexions, but unfortunately the increases that have been granted have not kept pace with the amounts paid to workers in other parts of Australia. All I ask is that the workers in this State be given what has been deemed justice to workers, not by one Parliament in other States, but by every Parliament.

If members will compare the figures I have quoted, they will realise that Western Australia is far behind in the allowances granted to workers. I know that some members will say that industry cannot afford these extra imposts, but that is an objection that has always been raised when amendments to this legislation have been introduced. Nevertheless, when increases have been granted, industry has never had any difficulty in paying them.

Hon. C. H. Simpson: Do not you think it will have an impact on primary production and on goldmining?

The CHIEF SECRETARY: I suppose any increase would have an impact on some industries, but is that any reason why a worker should be denied justice in regard to compensation payments? Does not the hon. member think that a worker should receive justice when he is injured during the course of his employment?

Hon. C. H. Simpson: It is a question of whether those industries have the capacity to bear the load when they cannot pass on the extra cost.

The CHIEF SECRETARY: The hon. member has raised that question every time an increase in workers' compensation payments is sought. However, can he

point to any industry that has been closed because justice has been granted to workers in industry?

Hon. C. H. Simpson: Increased costs have contributed.

The CHIEF SECRETARY: Everything else has increased in price, and because of that the workers want an increase in their benefits. This is a just claim on industry. In past years when workers' compensation legislation was introduced, some States were always lagging behind this State in regard to benefits, but the position at present is reversed. Western Australia is today lagging behind every other State of Australia in every department of compensation payable under workers' compensation. For this reason, the Bill has been introduced in full anticipation that, after the debate has ended and the Committee stage has passed, the amounts payable under it will compare favourably with those paid in other States. I hope that members, when discussing this Bill, will bear in mind the need for justice to workers. If that is done, I have no doubt that the Bill will go on the statute book to mete out justice to the workers, though we may not all be entirely proud of it. I move—

That the Bill be now read a second time.

On motion by Hon. H. Hearn, debate adjourned.

BILL—RADIOACTIVE SUBSTANCES.

Second Reading.

Debate resumed from the 13th October.

HON. J. G. HISLOP (Metropolitan [8.16]: The increase in the range of scientific knowledge applying to radioactive substances and their relationship to human beings makes this Bill a necessity. I would like the Minister in charge to answer this question briefly: Are the provisions of this Bill common to all States, or is this a Bill designed in Western Australia? I can hardly believe that a measure worded as is this one, is the considered opinion of the Commonwealth Government, and is to be binding on all States. If it is a Bill designed for this State under the powers possessed by the State, as against the lack of powers possessed by the Commonwealth Government in the interstate use of radioactive substances, then we are at liberty to amend the Bill considerably. If this Bill has been drafted by the Commonwealth Government and is to be accepted by all States, then it may not be possible to amend it as severely as we would like.

An extraordinary feature about the measure is in relation to the powers of an inspector, whose qualifications for a post requiring such deep scientific knowledge are not set out. The first mention of an inspector appears in Clause 9. The extraordinary thing is that this person, who is not required to possess any qualification, has the delightful authority to take a member of the council with him on inspections. It is not a question of the council telling the inspector that certain members of the board should accompany him, but the reverse.

Hon. C. H. Simpson: Or take any other person with him.

Hon. J. G. HISLOP: He can take any other person with him; if he chooses, he can take a member of the council. This is a Gilbertian state of affairs. The whole clause must be amended to vest the authority in the council and not in the inspector. The clause should be reconsidered and reworded by the Government so that the authority is placed in the hands of the council. This inspector should possess scientific knowledge and training. I consider that, after the word "inspector" in that clause, the qualifications for the post should be included. He may be defined as a person with electro-mechanical training, or a physicist. This clause should read as follows:—

> The council may depute its powers to a physicist or an electro-mechanic engineer to carry out its work of inspection.

The man who is a physicist may not be qualified to do the electro inspection, and vice versa. It looks as if the inspector must obviously be a man with dual qualifications of a scientific nature.

In Clause 11 (2) there is a curiously-worded paragraph which says that no person shall administer any radioactive substance by way of treatment of a human being, unless he is a medical practitioner or dentist holding a licence for the time being in force under this Act, authorising him to do so, or is acting under the supervision or instructions of a medical practitioner or dentist who is so licensed. I cannot conceive at the moment, but perhaps in years to come, of a dentist who is required to use any radioactive substance in the treatment of his patients. I would be inclined to remove the dentist from this paragraph because radioactive substances are very dangerous. I do not believe that a dentist has enough knowledge in his basic training to deal with the results of radioactive therapeutic substances upon the human being. He is not trained in haematology or radioactive substances in so far as they relate to the blood and the bone marrow of a human being.

Hon. L. Craig: This may apply in future years.

Hon. J. G. HISLOP: That will be a long way off. When the time arrives, the dentist can be included, if necessary. The latter part of Clause 11 (2) says that a medical practitioner who is so licensed may sign a prescription requiring the sale

of any radioactive substance to a person for the purpose of its being used for the treatment of a human being. I do not think that the handling of radioactive substances in the treatment of human beings should go out of the hands of the medical practitioner. I do not think that he should be given the right to sign a prescription calling for someone else to use such a substance.

Hon. L. Craig: Will the medical practitioner be the only one to use it?

Hon. J. G. HISLOP: He is the only one, because it is only the medical profession which uses radioactive substances on human beings. Today, radioactive iodine is used in the assessment of thyroid diseases and their treatment. Radioactive phosphorus is used for the treatment of blood disorders, such as polycythaemia, one of the rarer diseases. It may be quite likely that in a short time this substance will be used in the treatment of leukaemia, cases of which have been frequently reported in the newspapers recently. If the medical practitioner cannot use such a substance, then he should not be able to sign a certificate for someone else to use it. The only people using radioactive substances today are radiologists and physicians. Those two are called in when the need for treatment by radioactive substances arises.

Hon. L. Craig: These substances are not manufactured in a saleable form?

Hon. J. G. HISLOP: They are not. There is a committee which controls their sale at the moment. The committee is appointed by the Commonwealth Department under Dr. Eddy, who is shortly to start a branch of the Commonwealth department in this State.

Hon. L. Craig: Does the clause refer to the Flying Doctor and the pedal wireless set which he uses in giving instructions on the use of drugs and therapeutic substances?

Hon. J. G. HISLOP: There is no possibility of his making use of pedal wireless to give instructions on the use of radioactive substances.

Hon. Sir Charles Latham: He would not use radium in isolated places.

Hon. J. G. HISLOP: He could not possibly use it because the container of radioactive substances must be de-radioactivated.

Hon. L. Craig: Are these substances put up in saleable form?

Hon. J. G. HISLOP: No. Recently when I wanted some radioactive phosphorus for a patient I had to apply for it through the radiologist who is a member of the Isotopes Committee. The application had to be referred to Canberra and the substance was sent from Harwell in England to Canberra, and from there it was distributed.

Hon. L. Craig: Did that substance come in special containers?

Hon. J. G. HISLOP: Yes, and the care and destruction of those containers is something for which this committee lays down conditions.

Hon. Sir Charles Latham: What qualifications must the inspector possess?

Hon. J. G. HISLOP: According to the Bill, none. That is the most dangerous aspect and the whole clause must be altered radically. The qualifications of the inspector should be properly delineated in the clause, and the power of the inspector should come from the council. The inspector should have no right of his own to take any person he likes to inspect various plants. That is one of the difficulties of Clause 11. There is another difficult paragraph in Clause 17 which deals with regulations. I draw attention to paragraph (g) which says—

> prescribing the purposes for which any radioactive substance or irradiating apparatus may be used.

That is not the function of the committee at all but a function of the medical profession or a special committee of the profession. The only power to be given to the proposed committee should be to see that radioactive substances are handled in such a manner that they will not be a danger to the community or to the persons using them.

Hon. L. Craig: Who prepared this Bill?

Hon. J. G. HISLOP: I have asked that question. The Bill contains many difficulties. In this and every other State there is an isotopes committee which consists of a physician, a bacteriologist, a physicist and a member of the Health Department. Recently the committee in this State co-opted Dr. Saint of the Medical Research Council. Those are the persons who control the actual usage of radioactive substances in the State. They are the ones who will allow something to be done in the way of an extension of the work into various other illnesses. They keep in touch with each committee in Australia and with the knowledge that is gained in every centre of the world. The knowledge comes from such places as Harwell, in London, and the various States of America where the work is done.

Is the Isotopes Committee, which was established in this State by the Commonwealth Government, to be subservient to the committee under this measure on which there does not appear to be a member of the practising profession? I am sorry; I see that there will be one member of the medical profession on it—a radiologist. It must not be forgotten, however, that a radiologist is not in touch with the care of the patient as is the physician. On the Isotopes Committee there are two physicians and a radiologist, whereas on this

committee, which is purely to control the care of these substances, there is one radiologist and one member of the practising profession. The Isotopes Committee is a Commonwealth-appointed committee. Is this a Commonwealth or a State Bill?

The Chief Secretary: A Commonwealth Bill.

Hon. J. G. HISLOP: Does the Minister mean to tell me that every State in Australia will accept the Bill?

The Chief Secretary: It is hoped so.

Hon. J. G. HISLOP: I hope not.

The Minister for the North-West: It is based on model regulations.

Hon. J. G. HISLOP: If this is a model, it has on a pretty long skirt. It is old fashioned and out of date.

The Minister for the North-West: It has not even been introduced yet. It is not out of date.

Hon. J. G. HISLOP: Before the committee has commenced, it is out of date. The Bill needs a complete redrafting. From what I can see of it, it is hopeless. One must sympathise with the intention of the Bill, but one can only conjecture about the functioning of the measure as it is drafted. I suggest very seriously to the Chief Secretary that he recast Clause 9 and give the power to the council and not to the inspector. I also ask him to look at Subclause (2) of Clause 11. It is necessary that only a medical practitioner shall be responsible for the handling of this thing, and that he shall not deputise his authority. I do not want to see this deputised to a nurse and then the nurse blamed afterwards; because that is more or less what is provided here.

The Chief Secretary: When introducing the Bill I said that the Commonwealth Government requested that legislation based on a model Act supplied by the Commonwealth, should be introduced in each State.

Hon. J. G. HISLOP: Let us have a look at the model Act, because what is based on a model Act may not be a model. Can the Minister produce the model Act so that we can see it?

The Chief Secretary: I will try to do so before we get to the Committee stage.

Hon. J. G. HISLOP: I take it that the measure covers x-ray apparatus, because it deals with irradiating apparatus. The committee should see that all this apparatus is safe, so far as the public is concerned, and that the methods of handling these radio-active substances are such that they will not be a danger to those handling them or to the community in general. The committee should stick to doing these things and it should not have the right to prescribe the apparatus by which radioactive substances may be used.

The Minister for the North-West: Dentists handle it, do they not?

Hon. J. G. HISLOP: No.

The Minister for the North-West: Who takes the x-rays?

Hon. J. G. HISLOP: They handle the apparatus but not the therapeutic substance.

The Minister for the North-West: This provision relates to the apparatus.

Hon. J. G. HISLOP: It refers to the therapeutic substance, not the apparatus. A chiropractor uses irradiating apparatus, as do dentists and radiologists, but they do not administer radio-therapeutic substances. Under the Dental Act a dentist would not be allowed to prescribe such things. When that Act came before us on the last occasion we discussed the question of limiting the dentists to the prescribing of certain drugs. What the committee may do is prescribed in paragraph (c) of the regulations. That is its real business. The regulations down to (f) are sound, but in (g) the powers are exceeded. I also wonder just what is meant by regulation (i). I can see what is intended because it states—

> prohibiting or restricting the use of any specified type of irradiating apparatus.

Today I was talking to a radiologist and he mentioned the use of the x-ray machines in shoe stores. If anyone, especially a child, puts his feet under such a machine once, there will be no effect, but if the mother takes the child to a dozen shoe stores and each one puts the child's feet under an x-ray screen, then the dose could easily be excessive. It is interesting to note that in some States the use of these machines has been prohibited. This is what is meant by the regulation, but it does go a long way towards giving these people the right to restrict the use of any type of irradiating apparatus. If the apparatus is sound, they should not have the right to restrict its use.

For a committee that is not actually versed in the treatment and care of the human being by these methods to have this right of restriction is not sound in principle. If restrictions had been imposed on the rest of the world, there would not have been much use for radio-active substances. I suggest that the restrictive clauses should be very carefully looked at.

Hon. H. K. Watson: Is Clause 12, in your opinion, restrictive?

Hon. J. G. HISLOP: No. A chiropractor will not be affected. All he will be required to do—and it is sound that he should be required to do it—is to receive a licence to use the apparatus, and that will mean that the council through its

inspector will be able to see that the machine is constantly in a sound condition.

Hon. E. M. Heenan: Are you satisfied with the constitution of the council?

Hon. J. G. HISLOP: If it is purely to make regulations for the safeguarding of radioactive substances, yes, but not if it is going to limit the profession in the use of certain things. When the Chief Secretary replies, and I know what the Bill is intended to do, and how much alteration will take place in it, I shall know how to vote, but at the present time, whilst I realise that the intention of the Bill is sound, its provisions are most unsound. Therefore I hesitate very much before deciding which way I shall vote.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 22nd September.

HON. L. A. LOGAN (Midland) [7.40]: This Bill, the debate on which has been postponed for some considerable time intends to change the word " may" to the word "shall".

Hon. Sir Charles Latham: An instruction to the Arbitration Court.

Hon. L. A. LOGAN: Yes, in effect it is an instruction to the Arbitration Court to do certain things. I am inclined to think that the Government shows irresponsibility and lack of business acumen in endeavouring to do this, because it is providing that the court shall do something irrespective of the economic position that results. This surely is showing irresponsibility and lack of business acumen.

Hon. Sir Charles Latham: Why not abolish the Arbitration Court and give the power to the Minister?

Hon. L. A. LOGAN: We have already been told that wages were pegged and that we should make the Arbitration Court do certain things. Well, wages are not pegged. The Arbitration Court can put them up tomorrow if it wants to.

Hon. F. R. H. Lavery: But it does not.

Hon. L. A. LOGAN: It has the right to do it if it so desires.

Hon. H. K. Watson: Any employer can put them up.

Hon. L. A. LOGAN: Yes, and many of them have done so. Members must realise that we have already seen what has happened to the wool market. Wool has dropped from £100 per bale to £90 per bale.

Hon. F. R. H. Lavery: Today "The West Australian" said it was £100 a bale, and produced a picture to prove it.

Hon. L. A. LOGAN: For every 1d. decrease in the lb. of wool, Western Australia loses £520,000. Wool has already dropped by 9d. to 10d. a lb., and the latest information I have is that it will drop another 10d. per lb. on a clean, scoured basis, which means another 7d. or 8d. a lb. on the base figure.

Hon. R. F. Hutchison: How does that affect the Court's decision?

Hon. L. A. LOGAN: Who is going to lose it? The money that the woolgrower loses is money that the worker will also lose because it will not be available for spending and circulation. The sooner members realise that, the better off we will be. Already we will lose £3,500,000 as a result of the smaller amount of money coming into Western Australia on account of our wool.

The Minister for the North-West: Some of it could be going overseas.

Hon. L. A. LOGAN: How?

The Minister for the North-West: Not all wool properties are owned in Western Australia.

Hon. L. A. LOGAN: The majority of them are. The amount of wool money that goes out of Western Australia would not be large.

Hon. Sir Charles Latham: There will be over £10,000,000 worth of wheat that will not be exported this year.

Hon. L. A. LOGAN: I was going to deal with the wheat position when I had finished with the wool. On present figures, we will be lucky to get 50 per cent. of our normal wheat harvest. If we work that out on the basis of 14s. per bushel, and then take into account the loss on wool, we might realise what is going to happen in this State.

Hon. C. W. D. Barker: We will not be getting a new car this year.

Hon. L. A. LOGAN: The farmer, instead of buying a Jaguar, will have to come down to a Holden or something like that.

Hon. C. W. D. Barker: I would be satisfied with a Holden.

Hon. L. A. LOGAN: A lot has been said about the man on the basic wage. Some members claim that he is receiving a rough spin and that he is the person who should be looked after. I find, on going through the names of the employees who come under the control of the Public Service Commissioner, that not one of them is on the basic wage. The figures on the Goldfields show that only 3.7 per cent. of the employees there receive the basic wage; the others receive more than that. Also, do not let us forget that the minimum wage on the Goldfields is £14 a week.

Hon. F. R. H. Lavery: Their margins are added to the basic wage and their wages rise and fall with it.

Hon. L. A. LOGAN: What the hon. member is trying to point out is that the 97 per cent. who are not on the basic wage are on a margin.

Hon. F. R. H. Lavery: Our salaries rise and fall with the basic wage, and you know it.

Hon. L. A. LOGAN: Despite the fact that we are told that the worker is losing and that he is suffering, figures prove that that is not the case. Let us have a look at the deposits in the Commonwealth Savings Bank.

The Chief Secretary: You are a bit mixed up, are you not?

Hon. L. A. LOGAN: No, but the Chief Secretary has caught me on the hop.

Hon. Sir Charles Latham: The Chief Secretary should give notice to members that he is going on with a Bill.

The Chief Secretary: It is on the notice paper.

Hon. Sir Charles Latham: But there are a lot of others, too.

Hon. L. A. LOGAN: Over 12 months, the Commonwealth Savings Bank deposits in Western Australia rose from £49,000,000 to £52,600,000 and the number of accounts increased from 416,751 to 422,480. In one month, from May to June, 1954, deposits increased by exactly £1,000,000.

Hon. C. W. D. Barker: That only goes to show the loyalty of workers in this country.

Hon. L. A. LOGAN: I have a cutting from the "Daily News" which states that there are new records in savings and that the money is being saved each week by employees in shops, factories and offices in Western Australia. It also states that savings under the national savings scheme have reached an all-time record. That items of news, plus the fact that savings in the bank for one month rose by £1,000,000, indicates just how badly off are the workers of this country.

Hon. R. F. Hutchison: We are talking about the injustice being done to the workers.

Hon. L. A. LOGAN: I cannot see any injustice being done to them.

Hon. R. F. Hutchison: This is an injustice.

Hon. L. A. LOGAN: So far we have not said anything about the amount that the worker spends each Saturday afternoon at the s.p. shop.

Hon. R. F. Hutchison: It is a wonder you have not forgotten some of those arguments by now.

Hon. L. A. LOGAN: We do not have to forget them because we know they are true.

Hon. F. R. H. Lavery: What about picture shows and the cricket?

Hon. L. A. LOGAN: Do not let us forget that last year people in Australia spent £162,000,000 on drink.

Hon. R. F. Hutchison: You do not suggest that only the workers drink, do you?

Hon. Sir Charles Latham: And the workers contribute £600 to £800 a week in betting fines.

Hon. L. A. LOGAN: A sum of £162,000,000 a year is spent by the people of Australia on liquor.

Hon. E. M. Davies: Surely you do not want to penalise the basic wage worker.

Hon. L. A. LOGAN: I do not mind his having a drink but when he starts to growl and moan and, at the same time spends £3 to £4 a week on beer—

Hon. E. M. Davies: What are you coming at? Look at some of your own class.

Hon. L. A. LOGAN: They drink too.

Hon. E. M. Davies: How do you know what the workers drink?

Hon. L. A. LOGAN: Because I see them.

Hon. J. J. Garrigan: Others drink, too.

Hon. R. F. Hutchison: The hon. member does not see too much or too far.

Hon. L. A. LOGAN: I get around as much as the hon. member, and I mix with more people than she does. I see what goes on.

Hon. E. M. Davies: You probably mix with the woolgrowers.

Hon. N. E. Baxter: You want to run a hotel to see what they spend on liquor.

Hon. L. A. LOGAN: I go into hotels and have a drink of beer; I am not ashamed of it. The so-called worker spends just as much money as anybody else, if not more, on beer.

Hon. C. W. D. Barker: It would be a poor thing if he could not have a glass of beer.

Hon. L. A. LOGAN: Today more people than ever before are travelling and holidaying and many of these people belong to the class to which members have been referring.

Hon. R. F. Hutchison: Why should not they have a holiday?

Hon. L. A. LOGAN: I do not say that they should not; they are entitled to it. Good luck to them! But why say that they are down-trodden?

Hon. R. F. Hutchison: We say that they are suffering an injustice.

Hon. L. A. LOGAN: Where is this injustice? Today working-class people are getting amenities that they could not afford four or five years ago. They own more motorcars, domestic appliances and such conveniences than ever before. Where is this injustice the hon. member talks about?

Hon. R. F. Hutchison: They are suffering an injustice, but you cannot see it.

Hon. C. H. Henning: A most vivid imagination!

Hon. L. A. LOGAN: A question was asked as to why the Government did not increase the wages of its employees.

Hon. F. R. H. Lavery: Because it told the court that it would not receive the sum required from the Grants Commission.

Hon. L. A. LOGAN: Mr. Chamberlain said that it was not in the best interests of the Government to pay an increase which would amount to £750,000.

The Chief Secretary: If the increase had been granted you would have growled just the same.

Hon. L. A. LOGAN: The court, too, thought that it was not in the best interests of the worker to pay that increase.

The Chief Secretary: You growl because the court did not grant the increase, and you would have growled had the court awarded it.

Hon. L. A. LOGAN: I am prepared to abide by the decision of the court and if the court had granted it, I would have accepted its decision. That is why we have a court.

Hon. E. M. Davies: The arbitration system bases the basic wage on the cost of living.

Hon. L. A. LOGAN: Members of the court have access to figures which we have not. Up to the present time the court has granted every increase asked for by the worker.

Hon. Sir Charles Latham: Plus prosperity loading, too.

Hon. L. A. LOGAN: This is the first time, in the court's history, that it has refused.

Hon. E. M. Davies: It is only 12 months.

Hon. L. A. LOGAN: Because the court refused, its members are the worst people in the world! It is the first time for 20 years that it has refused to grant an increase.

Hon. E. M. Davies: I would not be too sure of that, if I were you.

Hon. L. A. LOGAN: It is the first time in 20 years.

Hon. E. M. Davies: Your memory is failing.

Hon. L. A. LOGAN: Tell me the other times.

Hon. E. M. Davies: I can tell you.

Hon. L. A. LOGAN: It was refused throughout Australia, on the last occasion, by Act of the Federal Parliament. That was the only other time it has been refused.

The Chief Secretary: By the State Parliament.

Hon. L. A. LOGAN: But it was Commonwealth-wide.

The Chief Secretary: It is just as well to correct you and put you on the right track.

Hon. L. A. LOGAN: The Commonwealth asked that the action be Commonwealth-wide. Otherwise it would not be effective. That is why I said it was a Commonwealth decision. I do not see where any injustice is being done to anybody.

Hon. C. W. D. Barker: You have never had to live on the basic wage.

Hon. L. A. LOGAN: I have lived on far less than the basic wage.

Hon. E. M. Davies: So have a lot of other people, but that does not mean to say that they should have to live on it all their lives.

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

Hon. N. E. Baxter: It is up to them.

Hon. L. A. LOGAN: We hear a lot about the margins case and there is a claim that margins should be increased. But has any union gone to the court and asked, in a proper manner, for margins to be increased? On every occasion unions have gone to the court and asked for increases in margins for all workers, even those on the 2s. margin. That, of course, covers 97 per cent. of the workers in Australia. If those unions had asked for an increase in the scale for the skilled worker, they would have received it years ago; so the unions can blame themselves. I happen to know these things because I mix with working men as much as I mix with anybody else.

Hon. F. R. H. Lavery: Do you mix with the professional working man, too?

Hon. L. A. LOGAN: Of course I do; that is part of my job.

Hon. F. R. H. Lavery: Then do you know that he is worse off than any of the others?

Hon. L. A. LOGAN: I believe the white collar worker, as we know him, is worse off today than any other person in industry.

Hon. F. R. H. Lavery: He is.

Hon. C. W. D. Barker: You will lose a lot of friends over this.

Hon. L. A. LOGAN: I will not.

Hon. N. E. Baxter: They realise it is not a necessity and they do not look for it.

Hon. C. W. D. Barker: The friend of the worker!

Hon. L. A. LOGAN: Yes, I believe I am.

The Chief Secretary: Just as well you believe it, because no one else does.

Hon. L. A. LOGAN: Had we agreed to change the word "may" to "shall" in the Arbitration Act on the last occasion, our prices today would not have been stable, but would have gone up and up.

Hon. R. F. Hutchison: They have not, have they!

Hon. L. A. LOGAN: No, nothing in this State has gone up where wages have been involved in its manufacture.

Hon. E. M. Davies: Wages have not gone up.

Hon. L. A. LOGAN: Nothing in this State, which involves wages in its manufacture, has increased in price. The only item that has gone up is rent, and wages do not affect it.

The Chief Secretary: What about meat?

Hon. E. M. Davies: Wages do not affect rent?

Hon. L. A. LOGAN: No.

Hon. E. M. Davies: You had better have another look at that statement.

Hon. L. A. LOGAN: In what way do they affect rent?

Hon. E. M. Davies: The worker has never had a fair deal as far as rent is concerned.

Hon. L. A. LOGAN: But wages do not affect rent. That is the answer to the question.

Hon. E. M. Davies: You cannot get out of it that way.

Hon. L. A. LOGAN: Yes, I can. If we were dealing with a manufactured article, such as a refrigerator, wages would affect its cost. But wages do not affect the cost of rent.

The Chief Secretary: Does it not cost more to build a house today? Do not wages affect that?

Hon. L. A. LOGAN: But that does not come into it. The only houses in which the rents have gone up and which are affected by this legislation are the old places built prior to 1939.

The Chief Secretary: Do not wages come into the maintenance of old houses?

Hon. L. A. LOGAN: But there has been no maintenance, or very little, on those houses. Do not let us forget, too, that the people about whom the Chief Secretary is worrying are those who have had the benefit of cheap rent for 10 years and now, because the rents are going up to the same grade as the others, the Chief Secretary is growling about it.

Hon. E. M. Davies: The houses you are talking about were paid for years ago.

Hon. L. A. LOGAN: May be, but that is no reason why the owners of such places should not get fair rents today. As I said when speaking to the Prices Control Bill, if this Government, as well as the previous one, had shown a little reality most of those rents would have been included in the basic wage figures today. Do not let members talk about justice to the worker.

Hon. E. M. Davies: We are talking about injustice.

Hon. L. A. LOGAN: It does not exist. We have been able to hold prices in this State, and our Arbitration Court is keeping things level.

Hon. E. M. Davies: It is all right to say that now.

Hon. L. A. LOGAN: Does the hon. member believe in arbitration?

Hon. E. M. Davies: Yes.

Hon. L. A. LOGAN: So do I.

The PRESIDENT: Order! I suggest to the hon. member that he address the Chair.

Hon. L. A. LOGAN: I also believe in the Arbitration Court having the power to do what it thinks is correct and that it should not be dictated to by Parliament.

Hon. E. M. Davies: The Arbitration Court gets its authority from Parliament.

Hon. L. A. LOGAN: In the early part, yes; Parliament gives it power to do certain things—to work out a basic wage or declare a rise or fall as it thinks fit.

Hon. E. M. Davies: On a cost of living basis.

Hon. L. A. LOGAN: Yes, on a formula worked out.

Hon. C. W. D. Barker: What if it just ignores its instructions?

Hon. L. A. LOGAN: I believe that the Arbitration Court has been fair. It is comprised of men who have been trained for the job and they can do it better than we can; yet we are trying to dictate to them. That is what it amounts to; and why should we set up an arbitration court to do something and then dictate what it shall do? I hope we do not get down to that basis. I oppose the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [9.0]: I have been surprised and disappointed at the attitude taken by members during the course of the debate. We have introduced this Bill in all good faith in order to rectify an injustice that has been carried on over the last 12 months. The attitude adopted by members impels me to make a comparison with that of members who were here some years ago when questions like this were debated. I fear the comparison is very unfavourable to the members who at present constitute the Opposition in this Chamber. It is unfavourable because they permit outside organisations to exercise over them a control that was not exercised among the Opposition members of earlier days.

Today we find that there has not been one defection—not one member on the opposite side of this Chamber has recognised the justice of this Bill. It takes my mind back to the time when my party numbered six in this Chamber, but we had members opposite who would not permit themselves

to be dictated to by some outside organisation, but were prepared to judge a Bill on its merits.

Hon. N. E. Baxter: Whom do you suggest is dictating to us today?

The CHIEF SECRETARY: There are quite a number of organisations that have cracked the whip.

Hon. N. E. Baxter: That is a figment of your imagination.

Hon. L. A. Logan: Prove it!

The CHIEF SECRETARY: Accordingly we find that on a question like this they are 100 per cent. solid. If members had not been goaded into the attitude they are taking I feel sure they would not have been voting 100 per cent. one way.

Hon. L. A. Logan: You made the statement, so prove it.

Hon. H. Hearn: Tell us about your members.

The CHIEF SECREARY: Our members are all right.

Hon. H. Hearn: Yes, they follow you.

The CHIEF SECRETARY: I do not have to tell them how they should vote.

Hon. H. Hearn: They know.

The PRESIDENT: Order!

The CHIEF SECRETARY: Their conscience tells them how they should vote.

Hon. H. Hearn: That is a new name for it.

The CHIEF SECRETARY: When dealing with this question, Parliament, in the years gone by, has used a double-headed penny so far as the workers in the State are concerned. When the Bill was first introduced in 1925, a provision was included that there should be quarterly adjustments in the basic wage. That was in the original Bill introduced, I think, by the late Hon. Alex. McCallum. When the Bill came to this Chamber members said, "Quarterly adjustments; no, you cannot have that." At that time the cost of living was rising, and this Chamber said to the workers of the country, "You cannot have quarterly adjustments; you must have them yearly. No man can run his business if he has to change his accounts every three months." The workers accepted that notwithstanding the fact that the wage was delivered and paid from the 1st of July, and they had to wait until the next 1st of July before any alteration could take place.

Hon. Sir Charles Latham: When was this done?

The CHIEF SECRETARY: In 1925.

Hon. Sir Charles Latham: The quarterly adjustment has not been altered since 1932.

The CHIEF SECRETARY: I said the quarterly adjustment provision was in the original Bill introduced by Mr. McCallum, but it was not accepted by this House which altered it to yearly adjustments.

Hon. Sir Charles Latham: It was also opposed by him in 1932.

The CHIEF SECRETARY: This House said, "You must have yearly adjustments when chasing the cost of living." In 1931, when the cost of living was coming down, this same Legislative Council that some years before had said, "It cannot be so," then, because the boot was on the other foot, made an alteration to the quarterly adjustment.

Hon. C. H. Simpson: Did not the workers apply to the court for quarterly adjustments?

The CHIEF SECRETARY: No, the workers wanted a quarterly adjustment in the early stage. We find that when the cost of living was going up the worker had to wait for 12 months for any alteration in his wage. Immediately it went the other way the double-headed penny was used, which meant that when it was going up the adjustments had to be yearly, but when it was going down it had to be quarterly. I was present when the 1931 amendment was put in the Bill.

Hon. L. A. Logan: Do not accuse us.

The CHIEF SECRETARY: The word used was "may." Sir Charles Latham will agree with me that it was always accepted until the last 12 months or so that the parliamentary definition of "may" at that time was "shall."

Hon. Sir Charles Latham: No, the Interpretation Act determined that.

The CHIEF SECRETARY: That was the accepted definition by members of Parliament. The hon. member was not in this Chamber at that time, but that definition was given on many occasions by Mr. Cornell, who was Chairman of Committees. When an amendment was moved to alter "may" to "shall," he always said, "There is no difference; the parliamentary definition of "may" is "shall." When the word "may" was put into the Act it was with the idea that it meant "shall." It was interpreted that way from 1925 to 1953.

Hon. A. R. Jones: There is no need to change it.

Hon. L. A. Logan: Who altered it?

The CHIEF SECRETARY: The court and everybody else has accepted it. The court altered it, notwithstanding that Parliament's intention has always been that "may" meant "shall." Accordingly for reasons best known to itself the court has altered it and by doing so it has stopped, for approximately 12 months, any adjustments to the basic wage. Members opposite are now prepared to say that the court is doing the right thing. I say it is doing the wrong thing, and so does the Government. Because we think it is doing wrong, we feel we should get back to what the original Act intended and say that

the court shall do this, and that the basic wage shall be in accordance with the figures arrived at by the court.

If we do not agree to this, where do we find ourselves? We say to the workers, "By Act of Parliament we have set up a court whose job it is to ascertain what basic wage you should receive." If we do not abide by that we are putting over a confidence trick. We say, "There is an Act of Parliament; your wages will be adjusted quarterly according to the statistician's figures." The next thing we do is to say, "When that inquiry is made and the figure is arrived at, that is the figure you shall be paid." That is what the Government is doing in this legislation.

Hon. N. E. Baxter: I think we know who wants to put over the confidence trick.

The CHIEF SECRETARY: When we consider that for 11 months of the year the worker is chasing the cost of living up hill, and for three months he is following it down, do not members think he has suffered enough without having another trick played on him?

Hon. L. A. Logan: I do not think you are being fair to the President of the Arbitration Court.

The CHIEF SECRETARY: I am merely stating facts.

Hon. L. A. Logan: I do not think you are.

The CHIEF SECRETARY: Right down through the years the definition of "may" has been "shall"; there has never been any occasion to doubt it.

Hon. L. A. Logan: Not while I have been here.

The PRESIDENT: Order!

The CHIEF SECRETARY: The Government wants to rectify the position and we are told by members that we are dictating to the Arbitration Court. What is our job? Is it not to lay down an Act under which the court shall function? Do not we say on every occasion that so and so shall be done.

Hon. N. E. Baxter: We use "may" very often.

The CHIEF SECRETARY: We say to the Arbitration Court, "There is the law, carry it out." If the Act has not been carried out we say it is time it was. We are trying to put back an interpretation which has been used for 28 years. It was the intention of Parliament that "may" should mean "shall." Whether it was to be 12 months or three months, when the wage was arrived at that was the wage to be paid to the worker.

Hon. N. E. Baxter: Did not you say the word in the original Act was "should"?

The CHIEF SECRETARY: No, it has always been "may" or "shall," never "should." We want the court to function in accordance with the provisions as they were first put on the statute book.

Hon. L. C. Diver: Why do not you quote from "Hansard"?

The CHIEF SECRETARY: I do not have to. I have been here for many years and I know what was done.

Hon. L. C. Diver: Memory plays pranks.

The CHIEF SECRETARY: Not mine. It is too well imbedded and I know what the intention of Parliament was. This interpretation was also accepted by the court. Do not members think that if years ago, the court had decided on the interpretation it is putting on it now, it would have taken action when the cost of living was tumbling, in order to preserve some economy in the country? Was not it as justifiable for the court at that time to level up the economy as it says it is now? It did not do so because it knew that Parliament's intention was that the wage should be arrived at on the figures submitted. All we are asking is that something definite shall be placed in the Act. We considered that it was definite, but we are now told that it was not, and so we are taking the earliest opportunity to rectify an obvious mistake.

I am hoping that, even at this last moment, some members will ponder carefully before recording their votes. I am surprised at the type of speech given by Mr. Logan tonight. Heavens above, could not he debate the question from the standpoint of the intention of the Act? The old cry about s.p. betting and beer and all the rest of it! That is the only opposition that has been offered to the measure, and there was nothing solid in it.

Hon. L. A. Logan: That is only your opinion.

The CHIEF SECRETARY: I should not care to have an opinion like that of the hon. member. We have brought this Bill forward in all good faith to give Parliament an opportunity to put something definite in the Act. I ask members, if they are not prepared to substitute for the word "may" the word "shall," to put something else in the Act.

Hon. N. E. Baxter: "Can," for instance?

The CHIEF SECRETARY: What is needed is an amendment of the Act so that, when certain circumstances arise, something definite will be done. We should not put people up a tree and then chop it down. We should not tell them they will have quarterly adjustments and, when it does not suit to grant them, chop the tree down. What would members have done had the position been reversed?

Hon. L. A. Logan: Exactly the same.

The CHIEF SECRETARY: If there had been a decrease in the cost of living, emphasis would have been placed on the word "shall."

Hon. L. A. Logan: You are doing me an injustice.

The CHIEF SECRETARY: I do not think that possible. Mine might be a faint hope, but I trust that when the numbers are counted, most members will show that they have seen the light, and are prepared to do the right thing by having something definite in the Act so that the worker will know where he stands. This is a matter that should not be left to the whim of two or three men to decide. To permit three men to say, "You are not entitled to the adjustment," is a ridiculous position. Therefore I hope the second reading will be carried.

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

Ayes	12
Noes	15
Majority against	3

Ayes.

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

Noes.

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

Pair.

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

Question thus negatived.

Bill defeated.

House adjourned at 9.22 p.m.

Legislative Assembly

Tuesday, 19th October, 1954.

CONTENTS.

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

QUESTIONS.

HARBOURS.

(a) As to Albany and Bunbury Boards, Finances.

Mr. HILL asked the Premier:

(1) When did the Albany Harbour Board take over the port of Albany?

(2) How much has the Albany Harbour Board paid into the Treasury since that date?

(3) In what year did the Treasury last receive any payment from the Bunbury Harbour Board?