

# Legislative Council

Wednesday, 25th November, 1953.

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The PRESIDENT took the Chair at 7.30 p.m., and read prayers.

## QUESTION.

### RAILWAYS.

*As to Extension of Standard Gauge to Fremantle.*

Hon. G. BENNETTS asked the Chief Secretary:

(1) Can he inform the House whether the Government has any knowledge of the Commonwealth Government desiring to extend the standard gauge railway through to Fremantle?

(2) In the event of the Commonwealth Government desiring to do so, would the State be willing to make land available for this purpose?

The CHIEF SECRETARY replied:

(1) No.

(2) This would have to be considered in the light of the proposal put forward.

### BILL—LAND ACT AMENDMENT.

Introduced by the Chief Secretary and read a first time.

### BILL—NURSES REGISTRATION ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

### BILL—ROYAL VISIT, 1954, SPECIAL HOLIDAY.

#### *Second Reading.*

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.36] in moving the second reading said: This Bill is to take the place of a similar piece of legislation which was passed by Parliament in 1951 and which provided for a special holiday to mark the occasion of the Royal visit which was scheduled for 1952. As members know, this visit was deferred owing to the sudden death of His Majesty King George VI.

The legislation is very similar to the 1951 Act. As in that measure it is provided that the Governor may appoint a specified day to be observed throughout the State as the holiday, or, if considered preferable, he may proclaim different days to be the holiday in different parts of the State. At present it is proposed that the 29th March, 1954, shall be the holiday in the metropolitan area. The necessary flexibility is included in the Bill, so that the date of the holiday can be altered, or cancelled, if need be.

The Bill provides for the overriding of any other legislation, award, etc., which specify a maximum number of holidays for the one year in order that employees may enjoy the holiday without loss of pay. It also sets out that if any employee is required to work on the holiday he shall be paid the penalty rate prescribed in the appropriate legislation or award, etc. Where no penalty provision applies, the Bill stipulates that double rates shall be paid or an extra holiday added to the employee's annual leave. If an employee works for part only of the holiday, the number of hours worked shall be added to his annual leave.

I might add that the provisions for ensuring that all employees enjoy a paid holiday follow those that were placed in the 1951 Act as a result of an amendment by Mr. Hearn, who drew the House's attention to a weakness in that Bill by which many employees would not have been paid for the holiday. So the gap that was in the 1951 legislation has been bridged by the provision that has been included in this Bill. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

### BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

#### *Recommittal.*

The CHIEF SECRETARY: I move—

That the report of the Committee be adopted.

Hon. C. H. SIMPSON: Does the Chief Secretary not intend to move the amendment that he has on the notice paper?

The Chief Secretary: No.

Hon. C. H. SIMPSON: If the Chief Secretary does not intend to move his amendment, I move—

That the Bill be recommitted for the purpose of further considering the schedule.

Motion put and passed.

#### *In Committee.*

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

Schedule:

Hon. C. H. SIMPSON: My purpose in recommitting the Bill is that amendments have appeared on the notice paper relating to paragraph (3) (b). The one moved by Mr. Watson had the effect of deleting paragraphs (b) and (c), which deal with the appointment of agents in country centres. It was considered that this would give the general manager of the State Insurance Office an advantage over companies in the same area, particularly if the agents of the State Office were the local policemen or acting clerks of courts. The practice in small towns is for a man to conduct agencies for a number of businesses, and he derives his livelihood from the commissions he obtains. He may represent stock firms—insurance companies and the like. Over the years there has been a tendency for such agents to be gradually deprived of one and then another line of business, and in many cases they had no option but to cease operations. Their departure has been a loss to the community, besides which it is one more step away from decentralisation. In principle, there would be no objection to a mining registrar acting as agent for the State Insurance Office. Where clerks of courts or policemen act as agents, they could, without actually exercising pressure, give a clear indication that they expect business from the residents in the town. This would place other agents at a great disadvantage.

The CHAIRMAN: This discussion is out of order because the schedule has not been reinserted. Until it is, the hon. member cannot move to amend it.

Hon. C. H. SIMPSON: Am I permitted to speak in support of restoring the schedule as a whole?

The CHAIRMAN: No. Once it is reinserted, the Bill can be recommitted again.

Hon. C. H. SIMPSON: I move an amendment—

That the schedule be reinserted in the Bill.

The CHIEF SECRETARY: I trust that the Committee will not agree to its reinsertion. Last night this Chamber, of its own volition, decided to delete the schedule. I was under the impression that Mr. Watson intended to give notice to have it reinserted, but when I spoke to him he said that was not his intention. I placed it on the notice paper so as to have the opportunity of examining the position if the necessity arose. On investigating the matter today, I find there is no such necessity because the position can be covered without the schedule.

Hon. L. Craig: By regulation?

The CHIEF SECRETARY: Yes. I hope that the Committee will not agree to reinsert something which was passed because of errors on the part of certain members. Members should be sure of the position before making any move.

Hon. N. E. BAXTER: I did not vote to delete the schedule last night. I voted to retain the schedule because I considered it was better to have this schedule en bloc in the Bill rather than have regulations made piecemeal. For that reason I ask this Chamber to reinsert the schedule.

Hon. H. K. WATSON: When I voted for the deletion of the schedule I was aware of the position. It ill becomes the Chief Secretary, after having forgotten something himself, to chide members because they want to have the opportunity of looking at the Bill again. I am not alarmed that the schedule is not in the Act. Even if it were there, I dare say the State Insurance Office could still make regulations, if it was empowered to do so under the Act. I can see nothing which has taken away that power to make regulations. If the schedule is reinserted, the State Office has power to make further regulations under the Act. The fact that the schedule has disappeared from the Act would not debar the office from adopting that course. That being the case, I am not greatly concerned whether the schedule goes back. If it does, I would like to see some of the paragraphs deleted.

Hon. C. H. SIMPSON: There appears to have been some misunderstanding. Clause 11 was deleted in order to omit from the body of the measure the power to make regulations regardless of Parliament. While it was agreed that certain regulations might be necessary, my impression was that they would be subject to review and could be challenged by either House. When the proposal to delete the schedule was passed, I was taken by surprise because I believed that Mr. Watson would take further action. I had it in mind to move for the recommitment so that the schedule might be restored and amended. The schedule should be restored in order that we might have some say in the regulations to be put into force and to indicate at this juncture that certain provisions now in the schedule should not be adopted.

Hon. H. K. WATSON: If the schedule be restored, we shall have a measure with a schedule and no reference to it in the body of the Act, seeing that we have deleted Clause 11. Consequently, if the schedule be restored, Clause 11 should also be reinserted.

Hon. A. F. GRIFFITH: As has been mentioned, if we restore the schedule, there will be no reference to it in the Act.

The Chief Secretary: We can easily overcome that.

Hon. A. F. GRIFFITH: Yes, by reinserting Clause 11. I was surprised that the Chief Secretary, after presenting a Bill containing a schedule, should later agree to its deletion on the ground that the very things provided for in the schedule could be introduced in another way.

The CHIEF SECRETARY: I would take no exception to the recommittal of a Bill that had been amended by the insertion of a new clause because, in the rush, such a clause might contain bad drafting that needed to be corrected. However, when a portion of the Bill has been debated and a decision arrived at, and there is no question of faulty drafting but members have acted with their eyes open, it is a different matter. Mr. Simpson must have been surprised at the decision of the Committee because he did not call for a division.

Hon. C. H. Simpson: I was only one of three who had suggested amendments to the schedule.

The CHIEF SECRETARY: Had Mr. Simpson inquired from the Clerk, he could have ascertained the real position. Last night I told the Clerk that I had better give notice of intention to recommit the Bill in case it was desired that the schedule should be further considered.

Hon. C. H. Simpson: That is what I was told.

The CHIEF SECRETARY: Bills are not always exactly in accordance with the Minister's desires, because the opinion of the Chamber has to be taken into account. That is what happened when the schedule was deleted. However, I see no justification for reinserting it. The Committee came to a deliberate decision last night, and if we are going to recommit measures without any question of redrafting being involved, and thus rehash the whole business, where shall we end?

Hon. H. S. W. PARKER: There is no need to reinsert Clause 11, because the Interpretation Act provides, in Section 21 (2), that every schedule to an Act shall be deemed to form part thereof. That has been the law in this State since 1901, so there is no need to reinsert Clause 11.

Hon. L. CRAIG: Let us admit that with our eyes open, but not seeing, we did, perhaps unwisely, throw out the schedule. On numerous occasions objection has been taken to Acts being governed by regulations because they become operative before Parliament has an opportunity to scrutinise them. Consequently, members have claimed that a schedule is preferable. This schedule was considered and rejected. To rectify that error of judgment, Mr. Simpson has moved for the reinsertion of the schedule. I think it should be included, and if it is, I believe that a clause which the Government probably desires will be deleted. If the schedule is not reinserted, the objectionable provision may be put into effect by regulation.

Hon. H. K. Watson: Such a regulation could be disallowed.

Hon. L. CRAIG: Yes, but if it formed part of several provisions, the whole lot would have to be disallowed in order to

get rid of the one objectionable clause, and that is undesirable. It is the desire of this Chamber to examine the rules under which an Act is administered, and that is all the schedule and regulations are. I see no objection to a recommittal on this occasion. We have frequently in the past recommitted measures to rectify errors of judgment.

The Chief Secretary: No, only to rectify errors of drafting.

Hon. L. CRAIG: Even the Chief Secretary has made mistakes.

The Chief Secretary: Yes, I am human.

Hon. L. CRAIG: So is this Chamber. We did something last night that we now think we should amend.

Hon. C. H. SIMPSON: The Chief Secretary said that with our eyes open we agreed to the deletion of the schedule, but I was one that did not vote on that question with my eyes open. I believed Mr. Watson was dealing with his amendment and I was examining those that I had to follow it.

The Chief Secretary: You did not call for a division.

Hon. C. H. SIMPSON: I understood we were dealing with Mr. Watson's amendment only and did not realise he had withdrawn it.

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

Ayes	10
Noes	15
Majority against	5

#### Ayes.

Hon. N. E. Baxter	Hon. A. F. Griffith
Hon. L. Craig	Hon. C. H. Henning
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. J. McI. Thomson (Teller.)

#### Noes.

Hon. C. W. D. Barker	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. R. J. Boylen	Hon. J. Murray
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. H. Hearn	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. F. R. H. Lavery (Teller.)
Hon. A. R. Jones	

Amendment thus negatived.

Bill again reported without amendment and the reports adopted.

### BILLS (2)—FIRST READING.

- 1, Kwinana Road District.
  - 2, Cremation Act Amendment.
- Received from the Assembly.

### BILL—VETERINARY MEDICINES.

#### Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [8.10] in moving the second reading

said: This legislation is thought necessary so that control may be exercised over medicines sold by various firms and purporting to be of some use in veterinary science and the treatment of diseases of animals.

From time to time the activities of certain persons have demonstrated a need for protecting the public, mainly the farming community, against the sale of useless drugs and medicines for the treatment of stock. Western Australia is the only State in which veterinary medicines do not have to be registered, and the Department of Agriculture has become concerned with the trafficking in stock medicines of doubtful value. At present any substance can be sold with all sorts of extravagant claims and no action can be taken.

The Bill, if it becomes law, will be administered by the Chief Veterinary Surgeon, subject to the Minister, and provision is made for the appointment of a veterinary medicines advisory committee of which he will be chairman. The other members of the committee will be—

The Deputy Government Analyst; the Principal, Animal Health and Nutrition Laboratories; and a veterinary surgeon, selected by the Australian Veterinary Association and nominated by the Minister.

In other words, the committee will really be a board. As it is necessary for the committee to have a wide technical knowledge in order to make recommendations on the value of certain drugs sold to the farmer for the treatment of specific diseases, very careful consideration had to be given to its composition.

An analytical chemist will be required to determine the value of drugs in proprietary preparations to be offered for sale, while a pathologist will have to advise on the value of such products as vaccines, etc., marketed by manufacturing chemists. A practising veterinary surgeon has been included to advise on the use of different drugs because of his close knowledge from personal experience in the treatment of diseases and complaints. From a specialist point of view the personnel of the committee is rather impressive.

None of the civil servants will receive any fees. The only remuneration to be paid will be to the practising veterinary surgeon and this amount it is expected will be comparable with that paid to members of similar bodies. Usually it is a fee of perhaps £2 2s. or £3 3s. per meeting and it is anticipated that the total cost in this respect over a period of twelve months will not reach £50. The veterinary surgeon on the committee will be appointed for a period of two years at the end of which he will be eligible for reappointment.

The Bill provides for the appointment of inspectors, but this will not involve the employment of additional men as existing

staff will be utilised in conjunction with their present duties. There are field officers and stock inspectors who will be able to supervise a good deal of the work—not that there will be such a great amount of work in the field.

Within thirty days of this measure, if it is passed, becoming law, primary dealers in veterinary medicines must apply for registration, furnishing the particulars set out in the Bill. Six months' grace is provided after proclamation, after which the penalties provided will apply. Subsequent registration will be made by the 30th June each year.

All applications will be considered by the committee and must also be accompanied by a prescribed fee. In the case of refusal of registration the grounds for such refusal must be set out in a statement by the committee. The usual provision is made for an applicant to appeal to the Minister against such decision. That means if the department did not permit a certain remedy to be peddled around the country, the maker or proprietor would have the power to appeal to the Minister. A register showing all the registered veterinary medicines and other details must be kept by the Chief Veterinary Surgeon who shall, after the 1st July each year, cause a copy of such list with the prescriptions omitted to be published in the "Government Gazette" and may also publish it in the "Journal of Agriculture of Western Australia."

The provisions of the Bill do not apply to any veterinary medicine prescribed by a veterinary surgeon in the course of his profession or to any such medicine compounded in respect of any particular stock by a registered pharmaceutical chemist. However, a chemist is not permitted to market such medicine for general use, which means that prescriptions made up as prescribed by a veterinary surgeon do not necessarily have to go before this committee to see whether they are O.K.

If the Chief Veterinary Surgeon is satisfied a medicine is registered in another State and provided the package is labelled as such, he may, by publishing a notice in the "Government Gazette," declare that it complies with the provisions of this Bill. That is because all the other States have similar legislation.

Provision is made for regulations to be prescribed by the Governor for the administration of the measure when it becomes law. The Bill has been modelled upon similar legislation in operation in each of the other States. It is thought that the stage has been reached in this State where some legislation should be placed upon the statute book to prevent the peddling of useless medicine. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Henning, debate adjourned.

# **BILL—WORKERS' COMPENSATION ACT AMENDMENT.**

## *In Committee.*

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 6 had been agreed to.

Clause 7—Section 8 amended:

Hon. H. HEARN: I move an amendment—

That paragraph (a) be struck out.

This clause proposes to add to the Third Schedule, silicosis and pneumoconiosis contracted by those employed in the iron and steel industry. At present any worker suffering from either of those diseases has to furnish proof to the employer that they were contracted during the currency of his employment with that particular employer. Under the Bill the onus of proof now shifts to the employer. The Committee will see how unfairly this provision could operate.

Up to date no definition has been given of the term "iron and steel industry." It was not provided in another place, nor was it given during the second reading stage. I will be very interested to learn from the Chief Secretary whether any case has ever been reported in this State of either of those diseases occurring in the iron and steel industry. Let us take an example. I may be the owner of a garage that effects repairs to motorcars. In all good faith, and because I need a tradesman, I put a man on and, after a week or two, find he is suffering from one or other of these diseases.

Under the Bill I would have to prove that he did not contract the disease in my employment. This is a reversal of British justice under which a man is innocent until he is proved guilty. Under this, the employer is guilty until he proves his innocence. Wundowie is certainly not an iron and steel industry,—it is only an iron industry.

The CHIEF SECRETARY: The question raised by Mr. Hearn is hard to answer; it is difficult to give a definition of the term "iron and steel industry," though the name itself should decide what those industries are.

Hon. L. Craig: In whose mind?

The CHIEF SECRETARY: In the minds of the members of the Workers' Compensation Board; in the minds of the employer.

Hon. H. Hearn: The employer would be very unhappy about it.

The CHIEF SECRETARY: So is the employee very unhappy, but he has to accept certain things. The hon. member's case breaks down because he says there have been so few instances in the industry.

Hon. H. Hearn: I did not say "so few." I said "none at all."

The CHIEF SECRETARY: Then why worry?

Hon. H. Hearn: Why are you putting in the provision?

The CHIEF SECRETARY: Because there have been a large number of cases in New South Wales; and, as the iron and steel industry in this State is getting on its feet and is likely to expand, we think there may be a necessity for the provision.

Hon. H. Hearn: We want a definition of "the iron and steel industry." We would then know where we were.

The CHIEF SECRETARY: I do not think that is anything to worry about.

Hon. L. Craig: Does it not concern only blast furnaces?

The CHIEF SECRETARY: There could be a number of factories dealing with iron and steel. If Mr. Hearn would like to supply a definition of "iron and steel industry," we would be glad to have it.

Hon. L. Craig: Suppose an ex-miner got a job in the steel industry and received a dusting. Who is to prove he did not get it there?

The CHIEF SECRETARY: The hon. member said the employer would have to prove it. It is all right when the worker has to prove these things under the Second Schedule; but when the employer is asked to prove something under the Third Schedule, then the hon. member says it is all wrong!

Hon. N. E. Baxter: One is on the receiving end, and the other on the giving end.

The CHIEF SECRETARY: What does he give?

Hon. N. E. Baxter: The premiums.

The CHIEF SECRETARY: It is there for his own protection.

Hon. N. E. Baxter: And for the protection of the worker.

The CHIEF SECRETARY: In view of the anticipated expansion of the iron and steel industry, we should have some protection for the worker.

Hon. H. Hearn: I think it shows indecent haste. When the time arrives the Government can do something about it.

The CHIEF SECRETARY: There are a number of industries in this State in which it could happen tomorrow. The hon. member wants to close the stable door after the horse has bolted.

Hon. L. Craig: You know that premiums will be increased.

The CHIEF SECRETARY: They will not, if there are no claims.

Hon. H. Hearn: It is the added risk about which I am concerned.

The CHIEF SECRETARY: If this Bill is carried, there will be extra premiums, and I do not wish to imply that there will not be. Let us bring the entire Act up to date, and not only portion of it.

Hon. L. C. DIVER: I am surprised to hear the views expressed by the Chief Secretary. He talked about closing the stable door after the horse had bolted; but here he wants the horse to go mad. We have heard the court from time to time try to decide what Parliament meant by certain provisions, and I think the Chief Secretary should define "iron and steel industry."

Hon. H. Hearn: The Minister introducing the Bill should have done that.

Hon. L. C. DIVER: To clarify the position and perhaps to save litigation, the definition should be in the Bill.

Hon. H. HEARN: The Committee should realise that under the Act at present, any worker suffering from either of these diseases can claim compensation, provided he has reasonable proof that the illness arose as a result of his employment. If we agree to this amendment, all we do is to transfer the onus of proof in a way not in the best interests of industry generally, and possibly not in the best interests of the worker. If we are going to look forward, as the Chief Secretary wishes us to do, we should consider whether the employer will be liable for anything in connection with the uranium industry, when we are using atomic power! It will be many years before we have anything in the way of an iron and steel industry in this State, apart from what exists at Wundowie.

Hon. L. Craig: I understand silicosis cannot be contracted at Wundowie.

Hon. H. HEARN: That is true. I would add that it is not the job of a member opposing a Bill to provide definitions; that is the function of the Minister in charge of the Bill. The Minister in another place should have given a definition of "iron and steel industry," when introducing this measure; but he glossed over it. However, members want to know what is meant by those words. I maintain that any garage in the State could be held accountable if some person suffering from one of those diseases happened to find employment for a few weeks in it.

Hon. J. M. A. CUNNINGHAM: It is a qualifying condition of employment in the mines that a man must have a clean ticket. Is it intended that that same condition should apply to prospective employees of the iron and steel industry? If that is so, I submit that it will preclude a great number of men from obtaining employment in that industry, irrespective of what the definition is.

The CHIEF SECRETARY: I was rather surprised to hear Mr. Hearn say we were transferring the onus. That is not so; because, under the Third Schedule, the onus is on the employer to disprove a claim. There is no alteration there at all.

Hon. H. Hearn: It has not been in the Third Schedule.

The CHIEF SECRETARY: No; but it is the duty of the employer to disprove the employee's claim with regard to anything coming under the Third Schedule. The hon. member drew the long bow in suggesting that service stations could have claims of this description.

Hon. H. Hearn: Tell me why they could not.

The CHIEF SECRETARY: The diseases could not be contracted there. A garage is not an iron and steel industry.

Hon. H. Hearn: The Chief Secretary did not say so. They work in iron and steel.

The CHIEF SECRETARY: I did not say so because it seemed so ridiculous.

Hon. H. Hearn: Why not have a definition?

Hon. N. E. Baxter: Would a foundry be an iron and steel industry?

The CHIEF SECRETARY: Yes.

Hon. N. E. Baxter: Now you are starting to get somewhere!

The CHIEF SECRETARY: I believe that the only places men are likely to contract silicosis are where sand-blasting is being done. We want to protect workers in the iron and steel industry in the event of their contracting silicosis. Admittedly in the mines men have to have a clean ticket; but that does not apply to other industries, like stone-cutting, metal-screening and so on.

Hon. N. E. Baxter: That is the danger.

The CHIEF SECRETARY: Has there been any danger in connection with those other industries? If there has been, the hon. member has been lax in not moving in the matter.

Hon. N. E. Baxter: It is not my job.

The CHIEF SECRETARY: If he is such a protector of the employers, he should have made a move long ago. No move has ever been made to provide that a clean ticket must be produced by men before they can enter these other industries. The fears of members are not well founded. We need to provide protection for cases that we anticipate will arise when the iron and steel industry gets under way properly.

Hon. L. CRAIG: I am informed there is no iron industry in Western Australia in which silicosis or pneumoconiosis could be contracted. If that is so, are we not rushing forward a little too quickly? Nobody here would want to deny to a man who contracts one of these diseases in a particular industry the right to compensation. But if this industry is added to the list, it means that the premiums paid by everybody who has any connection with the steel industry will be increased. Let us wait a year or two until these industries are established. Then if it is proved that the diseases can be contracted, I take it that the Minister in charge of

the department at that time will be able to define the particular branch of the industry concerned.

The Chief Secretary: What will happen to the poor devils in the meantime?

Hon. L. CRAIG: I am informed that there is no chance of the diseases being contracted in any industry we have in Western Australia at present.

The Chief Secretary: They have already been contracted in the mining industry.

Hon. L. CRAIG: But not in our iron and steel industry as at present constituted. We have no iron and steel industry in the true sense of the word. Would Tomlinson's come under this provision? I say they would; and as a consequence they would have to pay large premiums, with no possible chance of any of the employees contracting the diseases. All the people who do any steel work would be brought into this, and I do not think that is fair at this stage.

Hon. J. M. A. CUNNINGHAM: The Minister has not quite answered my question. As things stand, a man employed on a mine could contract silicosis, obtain compensation, leave the industry, and then again seek employment in the iron and steel industry. He could do that without a qualifying examination. Then what would be the position? Could he not again apply for compensation? The present cover for industrial accidents is 43s. 6d. per cent., and for silicosis 60s. per cent., making a total of 103s. 6d. per cent. Is it not a fact that that would apply to the iron and steel industry also? That is an unfair imposition on a newly-established industry.

The CHIEF SECRETARY: The information I have is that the answer to the last part of the hon. member's question is "No." Rates are based on the experience in industry. In answer to the other part of the question, Subsection (5) of Section 8 of the present Act covers the position.

Hon. H. K. WATSON: I understand that the State office has a monopoly of workers' compensation insurance with respect to silicosis in the mining industry. Is this proposal an indirect move to get the insurance of the iron and steel industry exclusively into the State office monopoly?

The CHIEF SECRETARY: The answer to the hon. member's question is "No"—no more than has been the case with regard to quarrying and stone-cutting.

Hon. H. HEARN: I would remind the Committee that, as the Act stands, there is protection. It will be a long time before the iron and steel industry will be established in Western Australia; and as the Minister, in introducing the Bill, did not give us a definition of this industry, and as its inclusion in the Third Schedule would transfer the onus of proof, I ask members to reject the proposal.

Hon. F. R. H. LAVERY: Concerning men having a clean ticket before going into industry, I would like to refer to the oil industry in this State. Oil companies do not employ on the permanent staff anyone who is over 35 years of age; and because a certain poison—tetra-ethyl-lead—in one of the products of the industry, affects the skin of some men, every employee has to undergo a medical examination before being accepted.

The CHIEF SECRETARY: Mr. Hearn says we should wait until industries are established here. If this protection is not provided, then any man who works in the iron and steel industry and contracts silicosis will receive no compensation whatsoever.

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

Ayes	.....	16
Noes	.....	9
Majority for		7

#### Ayes.

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

#### Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. R. J. Boylen (Teller.)
Hon. E. M. Heenan	

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That paragraph (b) be struck out.

This is consequential on the deletion of paragraph (a).

The CHIEF SECRETARY: I cannot allow this opportunity to pass without saying that I agree with the hon. member. This is probably the only time that I shall do so during the night.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 4 of paragraph (c) the words "eight hundred" be struck out.

This will bring us back to the amount of £2,000 which was agreed to in a former amendment.

The CHIEF SECRETARY: In view of the vote on the amount last night, I do not intend to fight this clause, much as I would like to see the figure of £2,800 remain.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (d) be struck out.

The MINISTER FOR THE NORTH-WEST: I think Mr. Hearn should explain why he wants to delete this paragraph.

Hon. H. HEARN: This is a drafting clause which is to be read in conjunction with paragraph (f). According to the best legal opinion, it will result in making the Act quite impossible to interpret.

The CHIEF SECRETARY: I am surprised that the hon. member should move to delete this clause, because it provides protection for the employer. We like to be fair to all concerned. This is to prevent a person who has been compensated from returning for further compensation.

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

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

#### Ayes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Oliver	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. A. R. Jones	(Teller.)

#### Noes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. J. Boylen	Hon. L. A. Logan
Hon. J. Cunningham	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. G. Fraser
	(Teller.)

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That paragraph (e) be struck out.

This amendment is consequential on the elimination of paragraph (a).

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (f) be struck out.

This is a drafting paragraph to be read in conjunction with paragraph (d) which, according to legal opinion, would result in making the Act impossible to interpret if it were not struck out.

The CHIEF SECRETARY: I admit that this paragraph is tied up with paragraph (d), but I am anticipating that tomorrow members will realise that they have made a mistake in striking out paragraph (d) and will want to recommit the Bill to reinsert it. Paragraph (d) provides for protection for employers against men who have received full compensation for silicosis, so I hope members will vote against this amendment.

Hon. H. HEARN: I am perfectly happy that paragraph (d) has been struck out, and I feel that this paragraph should be struck out also.

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

Clause 8—Section 11 amended:

Hon. H. HEARN: I move an amendment—

That in line 4 the words "eight hundred" be struck out.

This will preserve a continuity of amounts, in view of other amendments.

The CHIEF SECRETARY: I do not know whether I am correct in this assumption, but if we take out the words "eight hundred", I think it will leave an amount of £2.

Hon. H. Hearn: It will leave £2,000.

The CHIEF SECRETARY: No.

Hon. H. S. W. Parker: Yes. It will be £2,000.

The CHIEF SECRETARY: I am sorry. I was looking at the wrong figures.

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

Clause 9—Section 13 amended:

Hon. N. E. BAXTER: I hope members will vote against this clause because it is one of the most impudent provisions in the Bill. It will direct business people as to where they shall pay their premiums. They will have to pay those premiums to one company only, irrespective of the business they might already be doing with other companies. The clause also sets out most extraordinary penalties of up to £100. If a member were to introduce a Bill to direct members of the Government party as to where they should go to get their hair cut it would not be any more impudent than this clause. As the employer is agreeable to pay premiums for workers' compensation, surely he should have the right to pay those premiums to whatever companies he thinks fit. This borders on socialism.

Hon. H. HEARN: I hope members will reject this clause in its entirety. Firstly, it is a restriction on personal freedom, and it would seem that the people who decided to insert it have had very little business experience. My own workers' compensation business is spread over four separate policies. Why should this Government tell me that I must choose one out of the four of my old friends, and say to him, "You are going to get the lot"? Is there any justice in that?

Hon. R. J. Boylen: It does not say that.

Hon. H. HEARN: If this clause were passed, it would encourage a monopoly. We have heard the Government criticise monopolies and big business, but by the insertion of this clause, it is supporting a monopoly. I hope the clause will be rejected.

The CHIEF SECRETARY: I hope the Committee will allow this clause to remain in the Bill. It may appear impudent; but all it sets out to do is to lay



down that when an employer insures, he shall not pick and choose for his particular industry.

Hon. N. E. Baxter: Why should he not do that?

The CHIEF SECRETARY: Do you pick and choose where your wheat will go? That is a different question, my boy!

Hon. L. A. Logan: He does pick and choose where it goes.

The CHIEF SECRETARY: It all goes to Co-operative Bulk Handling Ltd. because it has to go there. But that is the boot on the other foot!

Hon. N. E. Baxter: This is a case of buying.

The CHIEF SECRETARY: The provision has been inserted as a result of experience gathered over the years.

Hon. L. C. Diver: A farmer can put his wheat in bags if he likes.

The CHIEF SECRETARY: Mr. Hearn talks about monopolies!

Hon. L. C. Diver: I have replied to your queries about bulk handling.

The CHIEF SECRETARY: In the past we have found that some insurance companies will take the good risks but are not prepared to take the other risks. We have had instances in the firewood industry; and if we want to put compensation premiums on a proper basis, it is necessary to quote not for one section of an industry but for the industry as a whole. Certain companies have accepted the risk of compensation for firewood carters but have refused to take premiums with respect to firewood cutters.

Hon. L. Craig: But the insurer need not go to those companies. He can go to a company that will take the lot, if he wants to do so.

The CHIEF SECRETARY: We want to provide for the lowest premiums possible, and there is only one way to achieve it—that is, on an industry basis. There are 70 insurers in this town, and a person can pick any of them to do his insurance business. There would be no monopoly about that.

Hon. A. F. Griffith: But you could not divide your insurance business.

The CHIEF SECRETARY: That is the idea behind the provision. We want to have the lowest premiums possible for workers' compensation.

Hon. L. CRAIG: I hope the Committee will reject this clause. I understand that the Chief Secretary's illustration of the firewood industry in quite correct, but that position could be overcome. The insurance companies spread their risks over half a dozen companies, if those risks are great. An office need not take the insurance for firewood cutters only. It could say, "Unless we get the insurance for the carters too, we will not take the risk of

the cutters." That is not unreasonable for an office to say; it does not have to take the insurance. In effect, this proposal says that an employer must go to one office only; but, taking the firewood industry as an example, that office might have exorbitant rates for cutters. Of course, some offices cater specifically for a particular kind of insurance, because they specialise in it.

Hon. L. A. Logan: Silicosis is one.

Hon. L. CRAIG: This Bill will prevent that.

The Chief Secretary: All rates are fixed by the Premium Rates Committee, and there is no difference between one office and another.

Hon. L. CRAIG: That is so; but there are different rates for different types of insurance in the same industry, as the Chief Secretary well knows.

The Chief Secretary: You suggested that one company might have exorbitant rates.

Hon. L. CRAIG: I did not say anything about rates; I said that some offices catered specifically for particular industries, and the Chief Secretary knows that is so.

Hon. H. HEARN: I would like the Chief Secretary to tell the Committee whether it is possible for the State Insurance Office to refuse to take workers' compensation. If that is so, it is news to me.

Clause put and negatived.

Clause 10—Section 29 amended:

Hon. H. HEARN: Because of amendments that have already been made to the Bill, paragraph (a) should be struck out as a consequential amendment. Therefore, I move an amendment—

That paragraph (a) be struck out.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That paragraphs (b) and (c) be struck out.

These paragraphs are against all Labour principles, which state, in effect that one cannot do any skilled work unless one has served an apprenticeship. The clause will not permit any qualified man to act as an agent, but it proposes to allow an unqualified man to appear in the court.

Hon. E. M. Davies: What qualifications does one need in order to act as an agent?

Hon. H. S. W. PARKER: None whatsoever. If a person has the qualifications for a certain profession but has been disbarred, he can become an agent under this clause. Of the 43 cases reported under the Workers' Compensation Act between June, 1949, and August, 1952, barristers have been engaged to appear in 34. It is considered that, because the

work of this court is so complicated, it is necessary that a legal practitioner shall be the chairman, and the legislation provides for that. However, a lawyer is not permitted to argue any cases in court, according to this clause.

Legal argument is always arising; but there will be no legal representative to argue a question of law, and that will increase the cost to the parties because, as a result, appeals will be made and many questions of law will have to be decided which might have been decided in the first instance. The insurance companies no doubt will establish a department of some sort, and appoint a man who is qualified but who has not considered it necessary to be enrolled as a legal practitioner. Therefore the court will have no control over him whatsoever. I hope the Committee will agree to the amendment.

The CHIEF SECRETARY: I hope that members will not agree to the amendment. It is only natural that Mr. Parker would argue this point. I understand that 99 per cent. of the cases that are brought before the court involve not a question of law but one of fact. Nevertheless, in most cases lawyers are engaged. Is it not better to allow the person who is making the claim to decide whether he shall have legal representation or not? If a question of law is to be decided, that person should be represented by a legal man; but if it is only a question of fact, what better man would there be to represent him than the secretary of his union?

Hon. L. Craig: But the employers would not be allowed to have legal representation, either.

The CHIEF SECRETARY: The employers would soon get over that difficulty. When the Arbitration Court was established the unions sent advocates into the court, and the employers soon found that they were at a disadvantage. When Mr. Carter first appeared in that court on their behalf he was regarded as a joke; but it was not long before he was just as capable as any union secretary.

Hon. H. S. W. Parker: What fees did Mr. Carter get?

The CHIEF SECRETARY: I do not know; but he would not have got higher fees than a member of the legal fraternity.

Hon. H. S. W. Parker: Yes he did.

The CHIEF SECRETARY: I did not know that the legal fraternity had slipped so greatly! The point is that we want a person to appear in the court on questions of fact. It is proposed, however, that in order that the worker shall not be at a disadvantage, there shall be legal representation only when both parties agree. I understand that it is very seldom that the person concerned obtains legal representation.

Hon. H. S. W. Parker: You are misinformed.

The CHIEF SECRETARY: We do not want a worker's compensation case turned into a legal wrangle.

Hon. H. Hearn: Has a case before the court ever been turned into a legal wrangle?

The CHIEF SECRETARY: Yes, I think so.

Hon. H. Hearn: If the Chief Secretary will read the records of the court, he will find that it has always been a very smooth-running affair.

The CHIEF SECRETARY: No doubt it has been; but it is not considered that a person needs legal representation when only a question of fact has to be decided.

Hon. L. Craig: It takes both sides to agree.

The CHIEF SECRETARY: Not at present, but under the Bill it will.

Hon. L. Craig: Yes; both sides will have to agree whether it is a question of law or not.

Hon. C. H. Simpson: That will mean that no matter how much an employer desires to engage a legal man, the union representative could object.

The CHIEF SECRETARY: Yes, that is the position.

Hon. J. M. A. Cunningham: You are saying that the union secretary would be as greatly informed as a legal man.

The CHIEF SECRETARY: I would say that in 99 per cent. of the cases such a man would be more fully informed; and the employers would soon find a man to handle a case just as well as a legal man could.

Hon. H. S. W. Parker: The same applies to a bricklayer.

The CHIEF SECRETARY: The only point is that we want to cut down the costs.

Hon. L. Craig: As Mr. Parker says, if one wants a house built one employs a bricklayer to lay the bricks.

The CHIEF SECRETARY: The same principle will apply here if a legal point is raised; but if there is no question of law, we do not want a legal man to appear in the court. We want to keep down the costs under the Workers' Compensation Act.

Hon. H. HEARN: I trust that the Committee will delete these two paragraphs. They provide that an employer must obtain the permission of the other side before he can employ a legal representative. It was said that it is reasonable for a union secretary to handle a case, but I am not sure that this is in the best interests of the worker. As Mr. Parker said, the workers would need legal representation, because the insurance companies have experts to handle compensa-

tion cases; and without legal representation, the best interests of the workers will not be served.

We were told by the Chief Secretary that this board has worked satisfactorily. I would like him to tell me if that is, in fact, the case. He may give the sort of answer which he gave on another occasion, because we did not have the full story. I know the answer in this case, because I was in telephonic communication with Melbourne on this matter.

In the interests of the smooth working of these provisions, we should delete these two paragraphs. If we restrict the freedom of representation, we are taking away the right of the employer. After all, the employers have to find the money to meet their own costs. I believe there is some ulterior motive in the measure. I do not believe that only one union dislikes legal representation.

Hon. N. E. BAXTER: The Chief Secretary put up a one-sided argument. These two paragraphs would suit the workers. I intend to state the case for the other side. If the Bill is passed, it will allow the lay advocate of the A.W.U. to go before the court, but the small employer will be on his own. Often the lay advocates of unions are as good as lawyers, and they would be placed at a great advantage in comparison with small employers. The Chief Secretary desires to exclude the small employer from any legal representation on the board, yet the worker can have his representation in the form of a union advocate.

The CHIEF SECRETARY: I am concerned only with the cost of these cases. It varies between £60 and £70 and that is too much for a worker's compensation case, where no questions of law have to be argued. Where points of law have to be argued, both sides can agree to legal representation. Where facts are concerned, there is no need for the appearance of lawyers.

Hon. H. S. W. PARKER: That is a strong reason why there should be legal representation. The practitioners are controlled by the Supreme Court, and all charges are subject to approval by the court. Surely the Chief Secretary does not object to lawyers earning their dues. Shortly we will be asked to approve compulsory unionism. Often it is said that the lawyers have the strongest union. If it is a union, why not let it do its job and employ only those members for legal jobs?

The Chief Secretary: We are prepared to allow them to appear on questions of law.

Hon. H. S. W. PARKER: They are trained for more than questions of law. They are trained to present cases, and to marshal facts and evidence so as to get to the truth of matters. If I were a building contractor, the Chief Secretary

would not permit me to employ a first-class bricklayer unless he was a unionist and a tradesman. But he is asking us to allow the employment of advocates, although they are not tradesmen in the legal sense. The other day a man was fined for employing his son—who was a first-class painter—because the son was not a member of the union. Here we are asked to reverse the whole procedure when it comes to an honourable and learned profession.

Hon. H. HEARN: If it is a question of cost, then either party can invoke the special Act under which indigent persons can receive legal assistance free of charge.

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

Ayes	....	....	....	17
Noes	....	....	....	8
Majority for	....	....	....	9

#### Ayes.

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

#### Noes.

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

Amendment thus passed.

The CHAIRMAN: I would advise members that the deletion of those two paragraphs has resulted in the first two lines of Clause 7 being left in, and they have no effect. I suggest that when I put the clause, members vote against it, otherwise the clause would be meaningless.

Clause put and negatived.

*Sitting suspended from 9.45 to 10.10 p.m.*

Clause 11—Section 30 amended:

Hon. H. HEARN: I move an amendment—

That subparagraph (ii) of paragraph (a) of proposed new Subsection (1a) be struck out.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That after the word "determination" in line 3 of paragraph (e) of proposed new Subsection (1a) all the words down to the end of the clause be struck out.

The Chamber of Mines will not have all the information available to make the necessary request. Why not have triennial alterations, as at present?

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

Clause 12—paragraph (a) of clause one of the First Schedule amended:

Hon. H. HEARN: I move an amendment—

That in lines 3 and 4 of paragraph (a) the words "two thousand four hundred" be struck out with a view to inserting the words "one thousand seven hundred and fifty" in lieu.

This brings into line the financial adjustments I have tried to make throughout the Bill.

The CHIEF SECRETARY: I know this is in line with the amendments carried previously; but I think an exception ought to be made in this case, because this refers to the amount to be paid to the widow of a person killed in industry. In many cases, a widow has to re-establish herself and educate her children, and we ought to go higher than the amount suggested by the hon. member; we could perhaps even make it £2,000. There has been a difference in the amounts, but there is no law that says where there was a difference previously we ought to retain it. Members know how very little can be purchased today with £1,750, particularly if a widow sets up in business, as is often done. It might mean that she would have to curtail the education of her children.

Hon. H. HEARN: I have listened to the sympathetic speech made by the Chief Secretary. We have gone very carefully into this and endeavoured to maintain a balance. The Minister was still dealing with the widow when he suggested £2,400 in introducing the Bill. We have endeavoured to continue the policy right through and keep a fixed ratio by increasing benefits with cost of living increases. We have tried to relate this to the death benefits. I think we have been fair in the amount suggested, and I cannot alter it.

Hon. G. BENNETTS: I am surprised at the attitude adopted by Mr. Hearn. Once the breadwinner has gone out of the home, it is very difficult for the widow, who may be left with a small family to provide for. No amount would replace the breadwinner of the family, particularly where there are children.

Hon. H. Hearn: We never said it would.

Hon. G. BENNETTS: Why does not the hon. member be generous and sympathetic? I would say that even £2,500 or £3,000 is not too much. I hope Mr. Hearn will change his attitude.

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

Ayes	15
Noes	10
Majority for	5

## Ayes.

Hon. L. Craig	Hon. A. L. Loton
Hon. J. Cunningham	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. H. L. Roche
Hon. L. A. Logan	(Teller.)

## Noes.

Hon. C. W. D. Barker	Hon. L. C. Diver
Hon. N. E. Baxter	Hon. G. Fraser
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. F. R. H. Lavery
	(Teller.)

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That the words "one thousand seven hundred and fifty" be inserted in lieu.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 3 of paragraph (b) the words "seventy-five" be struck out and the word "sixty" inserted in lieu.

This is the allowance for each dependant child, and the amount is to be increased from £50 to £75. I propose to make the amount £60.

The CHIEF SECRETARY: In view of the high cost of keeping children, £75 is not too much. The sum of £60 is approximately 23s. per week. Who would like to support a child on that amount? I do not think we are asking members to be over-generous in requesting them to allow the £75 to stand.

Hon. G. BENNETTS: I support the Chief Secretary's remarks. I do not think anybody could keep a child on 23s. a week.

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

Ayes	13
Noes	11

Majority for 2

## Ayes.

Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. H. S. W. Parker
Hon. A. L. Loton	(Teller.)

## Noes.

Hon. C. W. D. Barker	Hon. G. Fraser
Hon. N. E. Baxter	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. Cunningham
Hon. L. C. Diver	(Teller.)

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That paragraph (c) be struck out.

The import of this provision is that if a person had received up to £1,750, and at the end of a period he died, and on the

death certificate there was mentioned the same disease in respect of which he received the £1,750, the employer would have to pay a further £2,000. It means that in the assessment of compensation, instead of a contingent liability of £1,750 at death, there is one of £3,750. This is of particular interest and gravity to the Goldfields which would have to carry a very heavy burden.

**The CHIEF SECRETARY:** I hope the Committee will not delete this paragraph. Under the First Schedule, the weekly payments which have been drawn by a worker are deducted from the lump sum settlement made to his dependants in the event of his death. Members can see the small amount that those dependants might draw. We do not think it just that all the money received by the worker should be deducted from the lump sum payment.

**Hon. L. CRAIG :** This is a great imposition on industry. It is conceivable that the total sum of £1,750 could be paid in weekly payments, and then the man could die and his dependants would be entitled to receive another £1,750. The Bill would indicate that there is no obligation on a worker to do anything to protect himself. Each one of us runs the risk of being killed, or dying suddenly; and if we do our duty by our family we provide for that.

With regard to industry, we say that if a man is killed, industry will compensate him by allowing his dependants to have a respite and establish themselves. That is the basis of this measure. There is, however, an obligation on every man to supply some protection for his family, and by far the great majority provide some insurance against the hazards of life, which is indicated by the life policies that are taken out in Australia.

It was not the intention that a man should be able to say, "I am not going to spend a bob on my family. The industry in which I am employed will look after them for life." The purpose of these payments is not to establish a man's dependants in an industry but to compensate them. This is an imposition that industry is unable to stand. As a big sum as £3,750 could be involved.

**The CHIEF SECRETARY:** Members have stressed throughout the burden on industry. But what about the burden on the dependants of the worker who has died because he was engaged in a particular industry? Should we not take that into account?

**Hon. N. E. Baxter:** What about when a man dies from some other cause?

**The CHIEF SECRETARY:** I am not talking about that, but about the liability of industry.

**Hon. N. E. Baxter:** What would happen, though?

**The CHIEF SECRETARY:** I am talking of the burden on dependants. Is industry not due to take some burden when a person develops silicosis whilst engaged in that industry?

**Hon. L. C. Diver:** It assumes that now.

**The CHIEF SECRETARY:** It assumes responsibility so far as the dependants are concerned while the man is alive; and when he dies, the balance, after the payments made have been deducted, goes to the dependants.

**Hon. H. Hearn:** Subject to a minimum.

**The CHIEF SECRETARY:** Do not forget that a person may have been ill for a long time and unable to provide for his dependants. The money he has drawn has been used to keep his dependants during his illness. Now members are going to say that the dependants are to receive only the small balance that is left after the weekly payments have been deducted from the compensation payable. I do not think we are asking for too much. It is about time we took some notice of the burden on the worker.

**Hon. F. R. H. LAVERY:** One or two members think I am a little short in the grain. This kind of legislation makes me short in the grain. Mr. Logan spoke of national insurance. Last night we voted to rob the widows.

**Hon. H. Hearn:** I object to the word "rob." We never voted to rob anybody. I ask the hon. member to withdraw the term.

**Hon. F. R. H. LAVERY:** I withdraw the term, but I shall use one almost as bad when I say that members chiselled the widows.

**Hon. H. Hearn:** I object to that word.

**The CHAIRMAN:** The hon. member is casting a reflection on members. I ask him to withdraw the expression.

**Hon. F. R. H. LAVERY:** I withdraw the word. Members who are in a comfortable position think that workers should do something for themselves. Well, a worker goes to work to provide the wherewithal for his family. I ask that this clause be not deleted.

**Hon. H. S. W. PARKER:** My intention, in voting as I am in respect to these amounts, is to ensure that industry will keep going.

**Hon. E. M. Davies:** That was worn out years ago.

**Hon. H. S. W. PARKER:** Of course, and so was the hon. gentleman apparently, because he cannot follow it. Through our national Parliament, we have done everything possible to assist the unfortunate person who has not been able to put anything aside. We have widows' pensions, invalid pensions, and so on. These pensions are worth far more than are the amounts under this schedule. I disagree with the proposition that industry should have to

pay this. The cost will go on to the price of the goods that are produced; and, in the long run, the working man or wages man will pay it.

The Minister for the North-West: Of course taxation pays some of it.

Hon. H. S. W. PARKER: Yes; but the wages man eventually pays it. We have heard that the wages man makes the profit. Of course he does, for himself. Some unfortunate individuals for various reasons are not able to save. Some squander their money, and some do not earn sufficient. If the Bill had gone through as was intended, its effect would virtually have been that for every man who died between the ages of 15 and 60, the employer would have had to provide £2,800.

The Minister for the North-West: As a result of his work.

Hon. H. S. W. PARKER: As a result of his going to and from work. I do not think the Minister really appreciated the significance of the Bill as it was. That is why I am voting to make these amounts reasonable all through.

Hon. F. R. H. LAVERY: I refute the statement that widows are provided with pensions from social service. They are, but—due to the means test—not if they draw a sum of money from workers' compensation.

Hon. H. S. W. PARKER: That is why it is better for them to have the pension.

Hon. H. HEARN: Again Mr. Lavery has assisted my cause, because he has told us that as a result of what we give the widow, she cannot receive money from social services; and we are all paying for social services. In many cases, industry will pass on this cost. I point out that what is proposed here could mean anything up to another £250,000 in premiums per year on the Goldfields.

Hon. H. S. W. PARKER: And out go the mines!

Hon. H. HEARN: In the light of the condition of the goldmining industry today, are we prepared to put that liability on it? It is all wrong. Sooner or later the time comes when the person who has made no provision for himself, except what he receives from compensation, must look to the generous pensions which have been provided by the Commonwealth Government. Industry must not be loaded to the extent that ultimately it will have an impossible burden to carry.

Hon. E. M. HEENAN: Industry accepts the position that it must compensate a man who receives injury whilst at work, and that if a man dies as a result of such an injury anyone dependent on him, such as a widow, shall receive compensation. Tonight we have agreed, by an amendment, that it shall be £1,750. If a worker's injury incapacitates him for a few weeks and then he dies, is it not right that industry

should compensate his wife and children to the full amount that we have agreed to in the legislation? Industry should and must accept that position.

This will not apply to many cases. As the Act stands, if a man dies some months after being injured in industry, the amount he received during that period is deducted from the lump sum paid to his widow. That is not fair. I do not think it is asking industry too much to require it to pay to the widow the full amount which Parliament designates as the amount she should receive for the loss of the breadwinner.

Hon. L. A. LOGAN: I must disagree with Mr. Heenan. If a worker is injured, he is compensated by the industry in which he was employed. If he dies, his widow receives a minimum of £500; and if the employee had been on compensation payments for only a short period before he died, his widow would get a lot more than that. Once the industry concerned has paid the minimum of £500, plus £50 for each dependent child, I think it has paid its debt. Then the welfare of the widow and children should be a State or Commonwealth responsibility. It would be too silly to ask each individual industry to carry this extra burden. I do not say that they could not carry it—they probably could—but that is not the principle. It is all very well to talk about the poor old widow.

Hon. F. R. H. LAVERY: What about the poor young widow?

Hon. L. A. LOGAN: Who will pay for these extra benefits? The hon. member ought to find out who is going to pay for them. If a man is killed outside his employment, what happens to the poor old widow?

Hon. F. R. H. LAVERY: The Commonwealth looks after her under social service benefits.

Hon. L. A. LOGAN: Then it should be the same in this case. This is a satisfactory type of legislation, and over the last three or four years we have agreed to increases because of the rise in the cost of living; but now some members want to go further.

Hon. C. H. SIMPSON: I think some members are getting a little out of perspective in their views on this amendment. I adopt much the same attitude as Mr. Logan. The sections, as they now stand in the Act, have been agreed to and accepted as equitable by all members in both Houses. We propose to raise the payment from £1,500 to £1,750; and that is an equitable advance, taking into account present-day money values. The original proposal in this Bill was to increase that sum of £1,500 to a maximum of £2,800. There are other provisions in this Bill which could mean a total pay-

ment of £5,200 as against a total of £1,500 as is provided in the Act at present. We agree that the £1,500 should be increased to £1,750, but if the amendment is not accepted, we will increase the liability of industry to such an extent that we will make the payments out of all proportion to the general ratio which we have agreed would be a fair thing, having regard to the change in values.

The CHIEF SECRETARY: Members have again mentioned a figure of £250,000 as regards the mining industry. They have said that these provisions would mean an extra £250,000 to that industry.

Hon. H. Hearn: I said they could cost up to that.

The CHIEF SECRETARY: Earlier to-night Mr. Craig mentioned the Chamber of Mines, and said that that body would not be able to make an application because it would not know when to do so.

Hon. L. Craig: I did not say that.

The CHIEF SECRETARY: The hon. member made a statement to that effect.

Hon. H. S. W. Parker: I mentioned the fact that the Chamber of Mines would not have the figures; but that was on some other matter.

The CHIEF SECRETARY: Some member mentioned the figure of £250,000 extra. Here are the facts. At the 31st December, 1952, the premiums paid by that industry were £185,861, and at present the annual premiums paid amount to £132,580. If the benefits proposed in this legislation were to increase the premiums by 60 per cent., the total would be only £212,128; and if the increase amounted to 75 per cent., the total would be only £232,015. That indicates that the maximum possible increase to that industry would be only £46,089.

Hon. L. A. Logan: That is still a lot of money.

The CHIEF SECRETARY: It is not an increase of £250,000 as has been mentioned on several occasions.

Hon. L. Craig: By that they probably meant the total cost.

The CHIEF SECRETARY: Some members said, during the second reading debate, that these increased benefits would mean an increased charge to the mining industry of £250,000 per annum. The wages paid in the industry amount to £4,956,298. On the existing rates these increases would mean an extra £99,435; but against that, from the 1st July last, the silicosis rate was reduced by 20s. per cent., representing a further saving of £49,600 to the industry. It is expected that further substantial reductions will be made in the premium. Those are the correct figures and I hope we will hear no more of the extra cost to industry being £250,000.

Hon. H. HEARN: I will not dispute the figures quoted by the Chief Secretary. I merely point out that those given to me were supplied by people who had them scientifically checked, and they were more accurate. The Chief Secretary mentioned premiums yesterday, and assumed that they would go up 50 per cent., but we heard only half the story. He did not mention that, in Victoria, when wages are assessed, the maximum assessment in each case is £600, and in Western Australia the wages are assessed on the actual sums paid. If the Chief Secretary inquired into that aspect, I am afraid he would have to supply us with more figures, and it is quite possible that those he has just quoted would be amended.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 3 of paragraph (g) the word "eight" be struck out and the word "six" inserted in lieu.

This is dealing with the minimum payment to the widow. In the Act, the amount provided is £500; and in the Bill, it is £800. Again, we have maintained the average. Therefore, I wish to insert the sum of £600 instead of £800.

The CHIEF SECRETARY: I again ask the Committee not to agree to the amendment.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 3 of paragraph (h) the words "seventy-five" be struck out and the word "sixty" inserted in lieu.

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

Ayes	.....	15
Noes	.....	9

Majority for ..... 6

#### Ayes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	(Teller.)

#### Noes.

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

Amendment thus passed.

Hon. H. HEARN: I move an amendment—

That paragraphs (i) and (j) be struck out.

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

Clause 13—Paragraph (c) of clause one of the First Schedule amended:

Hon. L. A. LOGAN: The clause would increase the percentage of the basic wage that can be paid from 66½ per cent. to 80 per cent., and it also takes away the existing limits of the weekly wage. Because of that, I would like this clause to be struck out completely.

The CHIEF SECRETARY: There are three different items covered in this clause. One is the increase from 66½ per cent. to 80 per cent.; the second is the increase from 10s. to 15s. for each dependent child; and the third refers to an increase from £1 10s. to £2 as it concerns wives. I think the Committee should debate the increase from 66½ per cent. to 80 per cent. and take each of these points separately.

Hon. H. HEARN: I trust the Committee will at least agree to the deletion of paragraph (a) which refers to the increases from 66½ per cent. to 80 per cent. Originally the amount was 50 per cent.; we then made it 66½ per cent., which it is today. There have been monetary adjustments from time to time; and we can see no reason to alter the ratio, bearing in mind that the monetary payments have been adjusted from time to time. This is one of the largest expenditures from the Workers' Compensation Fund. I understand that in this particular section of workers' compensation, 45 per cent. represents the total claims. I see no case for altering the amount from 66½ per cent. to 80 per cent. I take it that we will have a chance later of speaking to the question of maximum payment.

Hon. L. A. LOGAN: If the Chief Secretary desires to take each paragraph of this clause separately, I have no objection. I do not think this increase from 66½ per cent. to 80 per cent. would be in the best interests of the workers. Quite a few of them will stay away from work much longer than they otherwise would, and with a lot less reason. The pieceworker could earn a lot of money while on compensation.

The Minister for the North-West: Which of them are on compensation?

Hon. L. A. LOGAN: Those on £1,250. Some pieceworkers earn under £1,250, and they could earn £24 a week on compensation. This would not give any incentive to a man to return to his work. I move an amendment—

That paragraph (a) be struck out.

The CHIEF SECRETARY: There are three items concerned, but there is a fourth which must be left in, reducing the amount of £2,800 to £2,000 in order to coincide with the previous amendment.

I had hoped for an increase on the 66 per cent. The time when a worker requires compensation is when he is injured.

Hon. L. Craig: It is grossly abused.

The CHIEF SECRETARY: It should not be. The medical profession comes into it.

Hon. L. Craig: Sometimes with the collusion of the medical profession.

The CHIEF SECRETARY: Some doctors do not play ball. They should prevent workers from "swinging the lead".

Hon. L. Craig: By allowing compensation at 66 per cent. of his ordinary wages, a worker is urged to return to work as soon as possible.

The CHIEF SECRETARY: When I worked in the Postal Department, with hundreds of other workers, I saw no evidence of malingering. In fact, it was difficult to get workers who were sick to knock off. Today one can see the same thing. One finds a lot of evidence of this when walking through shops and seeing the number of workers suffering from 'flu who should be at home.

Hon. H. Hearn: The sick clause stipulates the amount of sick leave. That is not the basis of the compensation.

The CHIEF SECRETARY: There is an added protection, that persons on compensation must be under a doctor.

Hon. E. M. HEENAN: This clause should be agreed to. When a worker meets with an accident and loses his employment, surely he should be compensated. The very words of this measure are "workers' compensation". I am inclined to think that this is a misnomer. If a worker, through no fault of his own, meets with an injury and has to go off work, is it not the very basis of the legislation we are dealing with to compensate him for that loss? The accident occurred through no fault of the worker.

Hon. H. Hearn: Sometimes it is through the worker's fault.

Hon. E. M. HEENAN: There again, Mr. Hearn is throwing in a nasty innuendo.

Hon. H. Hearn: That is a fact.

Hon. E. M. HEENAN: It is not a fact. The hon. member is stating an untruth. No worker gets compensation when he is off work through his own fault.

Hon. H. Hearn: If it is an accident through the fault of the worker, he still gets compensation.

Hon. E. M. HEENAN: I have not heard of such a case. The Workers' Compensation Act provides that if a man is injured through his own neglect or misconduct, he gets no compensation. I am dealing, however, with genuine cases. There is no pleasure in being off sick; it is not a



happy experience for a man, because he still has to support his dependants. In my lifetime I have met very few men who stayed off work other than through absolute necessity. There are odd malingerers, and there are odd persons who injure themselves in order to get compensation. There are soldiers who inflict injuries on themselves to avoid duties, but they make up a very minor percentage of the total workers.

No one can get away from the fact that, in 1953, with industry highly mechanised, it owes compensation to the man it injures. If the worker is earning £15 or more a week and he meets with an accident, he should be compensated to this amount. Take the case of a person who is knocked down in the street by a motor-car, resulting in his being off from work for many weeks. If a case is established, such a person gets the full amount of lost earnings. If a workman meets with an accident during his work, then industry is in the wrong because it was the cause of the accident.

Common law compensates a man to the full when he is knocked down by a motor-car. He is given the full amount of wages lost. Surely there should also be the same obligation on industry. The worker who is injured gets only two-thirds of his wages; but the proposition is to give him not 100 per cent. but 80 per cent. Apparently, we are meeting with a flat refusal. That is not right.

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

Ayes	17
Noes	8
Majority for	9

#### Ayes.

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

#### Noes.

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

Amendment thus passed.

Hon. L. A. LOGAN: I move an amendment—

That paragraph (b) be struck out.

The CHIEF SECRETARY: The proposal in the Bill is 15s. for a child, an increase of 5s., and surely that is little enough! How would any member feel if he were receiving only 66½ per cent. of his wages and only 10s. a week for each child? The cost of a child's maintenance would be as great as when the worker

was in receipt of full wages. If an increase in any payment is justified, surely it is this one!

Hon. H. HEARN: The last time the Act was before us, the Government was particularly generous in the alterations it made in the weekly payments. While we have been quite happy to make the adjustment right through, we feel there is no justifiable reason to increase the weekly payments.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That paragraph (c) be struck out.  
Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That paragraph (d) be struck out and the following paragraph inserted in lieu:—

(d) Substituting for the words "one thousand seven hundred and fifty" in lines thirty-seven and thirty-eight, the words "two thousand."

The amendment meets my desire on the one hand; and, on the other, conforms with the point made by the Chief Secretary. The adoption of the amendment would have the effect of excluding the provision in the Bill which lifts the minimum. At the moment it is £8 for a single person and £10 for a married person. The proposal in the Bill is to remove the limit, and so make the sky the limit. I am opposed to that.

The CHIEF SECRETARY: In view of the fact that we agreed to this figure earlier, I accept it. I had intended to point out, as Mr. Watson has done, that the amounts of £8 and £10 are included in the Act. I was hoping that the Committee would agree to some increase on those figures. Even if we accept that those figures were correct 12 months ago—

Hon. H. Hearn: They were generous.

The CHIEF SECRETARY: I do not think so; but on the basis I have mentioned, I think some increase is necessary now.

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

Clause 14—Proviso to clause one of the First Schedule amended:

Hon. H. HEARN: I move an amendment—

That paragraph (a) be struck out.

This provision has relation to basic wage variations, and is totally unworkable from the point of view of the employer and the insurance company.

The Chief Secretary: It is already working quite well in Queensland.

Hon. H. HEARN: What is the formula?

The CHIEF SECRETARY: This provision is already in operation in Queensland where it works satisfactorily and, if agreed to, would probably obviate the necessity of bringing down legislation each year to keep the figure in line with spiralling costs. I hope the Committee will not agree to the amendment.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That at the end of paragraph (b) the words "five pounds" be struck out and the words "three pounds twelve shillings" inserted in lieu.

The CHIEF SECRETARY: I can see that the hon. member is working on a 20 per cent. basis all along, but I would prefer the provision to stand as it is.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That paragraph (c) be struck out. Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 3 of paragraph (e) the words "one pound" be struck out and the words "fifteen shillings and sixpence" inserted in lieu.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 3 of paragraph (f) the words "six pounds" be struck out and the words "four pounds sixteen shillings" inserted in lieu.

Hon. L. A. LOGAN: A few moments ago the Chief Secretary said that it appeared that Mr. Hearn was working on a 20 per cent. increase. That is so, and the Chief Secretary ought to be satisfied. The other day I gave figures which indicated that the basic wage had increased by 16.5 per cent. since the introduction of an amendment to this legislation last year. If the 4s. 1d. adjustment, which should have been issued with the October quarterly adjustment had been granted, it would have meant an increase of 17.8 per cent. Therefore, with an increase of 20 per cent. in these benefits we have been fairly generous.

The Chief Secretary: I am not growling.

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

Clause 15—Clause four of the First Schedule amended:

Hon. H. HEARN: I move an amendment—

That in line 2 of paragraph (a) the words "one pound" be struck out and the words "fifteen shillings and sixpence" inserted in lieu.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That in line 2 of paragraph (b) the words "six pounds" be struck out and the words "four pounds sixteen shillings" inserted in lieu.

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

Clause 16—Clause eleven of the First Schedule amended:

Hon. H. HEARN: I move an amendment—

That in line 5 the words "eight hundred" be struck out.

This is a consequential amendment because of previous amendments to which we have agreed.

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

Progress reported.

House adjourned at 12.15 a.m. (Thursday).