

indicated I would get the information for him. I did so and obtained it in writing and presented it to the House. Some doubt was expressed and that is why I asked Mr. Heitman whether he was at the conference, and he told me he was not. I was not able to contact the Premier at the time and I said to Mr. Heitman, "Let us get it clear. You were not at the conference when this happened"? He said, "No". I said, "Is it not quite possible that you have it secondhand and that you have got it wrong"?

The Hon. A. F. Griffith: What a revelation this is!

The Hon. R. Thompson: Did you ask him this in the House?

The Hon. J. DOLAN: No. I asked him privately when I could not immediately get the answer from the Premier. I said, "You were not there"? He indicated he had not been and so I said, "You got it secondhand"? He said, "Yes; that is right".

The Hon. A. F. Griffith: And yet Mr. Ron Thompson can get up and make the assertions he made tonight.

The Hon. J. DOLAN: I am not going to go over the facts again. The Bill has been thoroughly debated, and because I was the person who introduced the Bill I have the right to close the debate. I therefore commend the Bill to the House.

The Hon. G. C. MacKINNON: Mr. President—

The PRESIDENT: Order! The debate has been closed.

Question put and a division taken with the following result—

## Ayes—8

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. J. L. Hunt	Hon. D. K. Dang

(Teller)

## Noes—16

Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. F. D. Willmott

(Teller)

## Pairs

Ayes	Noes
Hon. L. D. Elliott	Hon. J. Heitman
Hon. W. F. Willesee	Hon. C. R. Abbey

Question thus negatived.

Bill defeated.

House adjourned at 10.05 p.m.

# Legislative Assembly

Tuesday, the 11th September, 1973

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers

## BILLS (2): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Weights and Measures Act Amendment Bill.
2. Supply Bill.

## QUESTIONS (33): ON NOTICE

### ARTS

#### State Allocations

Mr. A. A. LEWIS, to the Minister for Cultural Affairs:

In view of the 100% increase in the allocations to the arts announced in the Federal Budget, does he anticipate a similar increase to the arts in Western Australia in his forthcoming budget?

Mr. J. T. TONKIN replied:

The amount to be allocated in 1973-74 to cultural organisations will be announced when the Budget is brought down.

### 2.

### LAMBS

#### Export Sales: Price Guarantee

Mr. A. A. LEWIS, to the Minister for Agriculture:

Further to my question 20 on Thursday, the 23rd August, 1973, would he say at what price the agreement was made on the 12th July, 1973, regarding the price guarantee for export lamb sales?

Mr. H. D. EVANS replied:

No. This is a trading matter which the board is not required to disclose.

### 3.

### STOCK

#### Inspection of Carcasses

Mr. NALDER, to the Minister for Health:

What numbers of cattle, calves, sheep, lambs and pigs slaughtered were inspected by—

(a) Public Health Department Inspectors;

(b) Department of Primary Industry Inspectors,

during the years 1969-70, 1970-71, 1971-72 and 1972-73?

Mr. DAVIES replied:

(a) Public Health Department inspectors—

	1969	1970	1971	1972
Cattle and calves .....	154,774	95,599	147,691	149,498
Sheep and lambs .....	1,515,458	882,920	1,902,088	1,842,133
Pigs .....	271,520	253,927	311,946	329,517

(b) Department of Primary Industry inspectors—

	1969	1970	1971	1972
Cattle and calves .....	313,741	277,477	374,322	341,821
Sheep and lambs .....	3,437,598	3,061,944	1,192,808	4,074,735
Pigs .....	244,620	267,908	283,533	341,903

Note: All statistics available in calendar years only.

4. ABATTOIRS

*Throughput*

Mr. NALDER, to the Minister for Agriculture:

- (1) What numbers of—  
cattle,  
calves,  
sheep,  
lambs,  
pigs,

were slaughtered in Western Australia for the years 1969-70, 1970-71, 1971-72, and 1972-73, at—

(a) abattoirs in the metropolitan area;

(b) abattoirs in the rest of the State?

- (2) What numbers of—  
cattle,  
calves,  
sheep,  
lambs,  
pigs,

were slaughtered at Midland and Robb Jetty during the years 1969-70, 1970-71, 1971-72 and 1972-73?

Mr. H. D. EVANS replied:

- (1) (a) Answered in part by (2).

Information relating to the throughput of private works is treated as being confidential and it is regretted that the additional data sought cannot be provided.

(b) —

1969-70 .....	241,084	1,169,400	511,527	59,333
1970-71 .....	226,201	1,260,353	638,579	67,673
1971-72 .....	248,338	1,532,070	625,577	68,381
1972-73 .....	251,531	1,773,058	424,837	86,927

The data shown was estimated from Department of Primary Industry sources and State slaughtering as compiled by the Commonwealth Statistician.

(2) Robb Jetty

	Cattle and calves	Sheep	Lambs	Pigs
1969-70 .....	58,060	598,772	425,536	18,699
1970-71 .....	45,528	539,600	385,127	19,077
1971-72 .....	56,251	612,023	628,550	27,712
1972-73 .....	69,449	587,212	420,185	46,090

Midland Junction

1969-70 .....	89,747	963,977	358,726	109,687
1970-71 .....	61,509	308,298	383,554	104,094
1971-72 .....	66,646	1,529,839	588,217	124,302
1972-73 .....	120,062	1,502,641	458,020	149,068

5. MOTOR VEHICLE REGISTRATION FEES

*Payments to Main Roads Trust Account*

Mr. JONES, to the Minister for Works:

- (1) As required by the Traffic Act Amendment Act (No. 2), of 1969, what moneys have been paid to Main Roads Trust Account annually from 1969-70, to 1972-73 from the following sources—

(a) collected by the Police Department as motor vehicle license fees in the metropolitan area;

(b) collected by the Police Department as motor vehicle license fees in areas where police control of traffic has been effected?

- (2) What moneys have been contributed to the Main Roads Trust Account annually from 1969-70 to 1972-73 by the following local authorities from moneys collected as vehicle registration fees—

(a) Municipality of Bunbury;

(b) Augusta/Margaret River;

(c) Donnybrook-Balingup;

(d) Boddington;

(e) Bridgetown-Greenbushes;

(f) Busselton;

(g) Capel;

(h) Collie;

(i) Dardanup;

(j) Harvey;

(k) Mandurah;

(l) Manjimup;

(m) Murray;

(n) Nannup;

(o) Boyup Brook;

(p) Waroona?

Mr. JAMIESON replied:

- (1) and (2) The information requested is contained in a statement which, with permission, I hereby table.

The statement was tabled (see paper No. 317).

## 6. GUILDFORD-BASSENDEN BRIDGE

### *Widening, and Additional Structure*

Mr. BRADY, to the Minister for Works:

- (1) Are any plans being made to widen the bridge over the Swan River between Guildford and Bassendean—
  - (a) to cater for the build up of vehicular traffic; or
  - (b) to cater for pedestrian traffic on the north side of the bridge?
- (2) At what stage is the planning (if any)?
- (3) Are any plans being prepared to build a further bridge over the Swan River north of the existing bridge to cater for the growing traffic along Walter Road, Bassendean?
- (4) Are any plans being made to provide traffic lights at Bassendean, near the football oval, to cater for traffic from Eden Hill, Lockridge and areas west thereof along Walter Road, now being diverted to Guildford Road, via the intersection near the oval, causing a bank up of traffic and accidents at peak hours?

Mr. JAMIESON replied:

- (1) (a) Plans are being developed.  
(b) Provision will be made for pedestrians.
- (2) Preliminary plans have been developed involving a bypass road of the Bassendean shopping centre and a duplication of the bridge over the Swan River for future construction.
- (3) No, but preliminary studies of a possible route are being undertaken by the Town Planning Department with assistance from the Main Roads Department.
- (4) Traffic control signals are programmed for the Guildford Road-West Road site this financial year.

## 7. EDUCATION

### *Hire-purchase Agreements: Instruction*

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

- (1) In view of the recent reduction in the age of majority to 18 years, has any action been taken by the Education Department to bring to the notice of students in the various schools throughout the State of their entering into the purchase of goods on the hire purchase sys-

tem, particularly as that system relates to the purchase of second-hand cars?

- (2) Will early action be taken to see the students at all schools are given a full and comprehensive course on the many pitfalls of entering into legal undertakings in hire purchase and similar agreements?

Mr. T. D. EVANS replied:

- (1) and (2) Yes. Materials produced by the Education Department relating to the purchase of goods on hire purchase are available to all Western Australian secondary schools. Topics covered include advertising, budgeting, buying on credit and buying a car. These topics are introduced with discussion and learning activities in social studies, mathematics and human relationships programmes. There is also an option course "consumer education".

Relevant materials produced by the Bureau of Consumer Affairs are also distributed.

## 8.

### RAILWAYS

#### *Bunbury Marshalling Yards*

Mr. SIBSON, to the Minister representing the Minister for Railways:

- (1) Which specific area has been set aside for the proposed new marshalling yards to service the Bunbury-Boyanup rail junction?
- (2) Has the land been acquired?
- (3) When is it proposed to commence the establishment of these works?

Mr. MAY replied:

- (1) The area concerned is parallel to and east of the southwestern railway immediately north of the S.E.C. substation.
- (2) No. Legislation for the construction of a new section of railway will be presented to Parliament in current session.
- (3) No specific time has been determined. Provision of the marshalling yard is a long term project and the actual date will depend on traffic demands and availability of finance.

## 9. NON-GOVERNMENT SCHOOLS

### *State Aid: Reinstatement*

Mr. SIBSON, to the Minister representing the Minister for Education:

In view of the Australian Government's policy of withdrawing aid to certain private schools, what

action does the State Government intend taking—

- (a) to ensure aid is reinstated to those schools listed for removal;
- (b) to further ensure that all other private schools in Western Australia are protected from being subjected to this unfair situation?

Mr. T. D. EVANS replied:

In reply to a previous question, the State Government indicated that it was prepared to support the submission on behalf of those schools listed.

Enabling legislation has not yet been passed by the Australian Parliament and, therefore, the details of the proposals have not been finalised.

## 10. SEWERAGE

### *Bunbury Finance*

Mr. SIBSON, to the Minister for Water Supplies:

- (1) What are the annual capital expenditures on the Bunbury sewerage scheme since its inception?
- (2) What are the annual interest charges on the Bunbury sewerage scheme since its inception?
- (3) If the funding of the scheme includes Commonwealth grants to the extent of \$232,232.00, what proportion of these grants are applied from—
  - (a) General grant;
  - (b) Unemployment grants?
- (4) Could he advise why none of the advances come within the scope of the Commonwealth-State debt relief?
- (5) What has been the annual interest payment collected since the scheme's inception?
- (6) What has been the annual capital repayment collected since the scheme's inception?

Mr. JAMIESON replied:

(1)	\$
1963-64	473,724
1964-65	102,922
1965-66	86,181
1966-67	106,125
1967-68	100,375
1968-69	96,629
1969-70	122,730
1970-71	143,102
1971-72	215,318
1972-73	374,182
	<hr/> 1,821,288 <hr/>

(2)	\$
1963-64	16,908
1964-65	23,640
1965-66	28,128
1966-67	34,940
1967-68	39,265
1968-69	44,822
1969-70	50,477
1970-71	57,054
1971-72	64,801
1972-73	78,285
	<hr/> 438,320 <hr/>

- (3) (a) General grant—NIL.
- (b) Unemployment grants—\$232,232.
- (4) The Bunbury sewerage scheme is a revenue producing concern and as such cannot attract advances from the Commonwealth State debt relief, which is solely for non-revenue producing undertakings.
- (5) and (6) No interest or capital repayments have been collected but surplus of revenue over direct operating expenditure which could have been applied to interest, totals \$257,403 for the 11 years to 30/6/73.

## 11. SOFTWOOD PLANTATIONS

### *Australasian Pines Pty. Ltd.: Investments*

Mr. McPHARLIN, to the Minister for Forests:

- (1) Does he consider it possible to obtain a net return of \$5,301.00 per acre from a 15 year old *pinus radiata* plantation?
- (2) If not, does he regard the supplement in *The Sunday Times*, 19th August, by Australasian Pines Pty. Ltd. to be a misleading advertisement?
- (3) Is he aware that limited partnerships established by the above company in some cases have undertaken softwood plantings in the Blackwood Valley on soils classified by the Forests Department of being incapable of producing economic returns?
- (4) Has he received a submission designed to correlate the activities of the department and private plantings and at the same time provide maximum incentives and protection to the private investor?
- (5) If so, what action is being contemplated and when can a decision be expected?
- (6) What safeguards to the \$760 unit investor in limited partnerships can he recommend?

The **SPEAKER**: I would point out that I have disallowed part 2 of this question because it calls for an expression of opinion.

**Mr. H. D. EVANS** replied:

- (1) No. On today's costs, prices and markets, the Forests Department could not obtain a nett return approaching \$5,301 from the produce of a 15 year old *pinus radiata* plantation.
- (2) This part of the question was referred to by you, Mr. Speaker, in your ruling.
- (3) No. The Forests Department does not classify soils in this way.
- (4) Yes.
- (5) A reply has been sent to the person who originated the submission.
- (6) The Forests Department provides a technical information service regarding pine plantations which is available to any member of the public and I would recommend that the public avail themselves of this service.

## 12. ARTS ADVISORY COUNCIL

### *Patch Theatre: Subsidy*

**Mr. HUTCHINSON**, to the Premier:

- (1) Is it a fact that Patch Theatre is debarred from performing at schools, and receives no subsidy or tax concessions as similar organisations do?
- (2) If the facts are correct in whole or in part, will he please explain why?
- (3) If the Bill to establish a Western Australian Arts Council is passed by Parliament will the Patch Theatre Guild be recognised and be able to share in the proposed financial subsidisation of the arts?
- (4) If he is unable to answer question (3) at this juncture, will he, subsequent to the setting up of the Arts Council, speak to the Chairman regarding the need to give recognition and assistance to Patch Theatre?

**Mr. J. T. TONKIN** replied:

- (1) and (2)—
  - (a) The question of whether or not the Patch Theatre Company performs in schools is a matter for the Education Department.
  - (b) Patch Theatre was in receipt of a subsidy until the end of 1971 when the Director, Mr. Crann, publicly repudiated it. No application for a subsidy has been received from Patch Theatre during 1973 nor for 1974.

(c) It is understood that tax concessions were withdrawn from Patch Theatre during this year. Tax concessions were also withdrawn from the National Theatre at the Playhouse. Representations were made to the Commonwealth Deputy Commissioner of Taxation by the Minister for Education and Recreation, the Hon. T. D. Evans, M.L.A. on 2nd March, 1973, on behalf of both these organisations, but without success.

Patch Theatre has been treated in no way differently from other theatres in this respect.

- (3) This is a hypothetical question. There is nothing to prevent Patch Theatre from applying for financial assistance. Any application would be treated on its merits in the same manner as all other similar applications, and subject to the same terms and conditions.
- (4) See answer (3). There is no reason to believe that an application from Patch Theatre would be treated any differently from that of any other similar organisation.

## 13.

### DEVELOPMENT

#### *Kwinana Beach Front Properties*

**Mr. RUSHTON**, to the Minister for Development and Decentralisation:

- (1) How many properties has the department purchased from the residents of Kwinana Beach in each of the last three years?
- (2) What was the expenditure in each of these years for this purpose?
- (3) Will he advise the number of private properties expected to be bought at Kwinana Beach this year by the—
  - (a) Government;
  - (b) Fremantle Port Authority;
  - (c) Industrial companies?
- (4) How many applications and requests are held from people wanting to sell?
- (5) How many applications have been deferred past this financial year?
- (6) Will he ask for a special financial allocation to relieve the difficulty and hardship being suffered by these residents?

**Mr. TAYLOR** replied:

- (1) 1970-1971—9.  
1971-1972—34.  
1972-1973—22.
- (2) 1970-1971—\$77,570.  
1971-1972—\$210,527.  
1972-1973—\$221,752.

- (3) (a) 18.  
 (b) Nil.  
 (c) Not available.
- (4) 86 including 18 referred to in answer to (3) (a).
- (5) 68.
- (6) The allocation expected to be made to purchase properties in this area is a special allocation. However, it is pointed out that though some difficulty and hardship is being experienced by some of the residents with properties in the area it is considered that a number who have applied are not at this stage experiencing any marked distress.

#### 14. WATER SUPPLIES

##### *Roleystone*

Mr. RUSHTON, to the Minister for Water Supplies:

- (1) What works are programmed to improve the water pressure for the urban Roleystone higher levels—  
 (a) immediately;  
 (b) long term?
- (2) Will he advise me of the upgrading of the system which has been implemented in the financial years 1969, 1970, 1971 and 1972?
- (3) How many additional reticulation services have been connected in urban Roleystone during 1971-72 and 1972-73?

Mr. JAMIESON replied:

- (1) (a) Minor improvements to pipe reticulation.  
 (b) Work will depend upon development. While the rate of development is comparatively slow and scattered, comprehensive improvements cannot be justified in view of the cost.
- (2) 1969-70—Nil.  
 1970-71—Improvements to Brookton Road pumping station. Installation of an 8 in. feeder main in Holden Road.  
 1971-72—Installation of a booster in the Peet Road pumping system.  
 1972-73—Replacement of the standby pump at Peet Road.
- (3) 1971-72—62.  
 1972-73—43.

#### 15. AIRFIELDS

##### *Suitability for DC9 Aircraft*

Mr. McPHARLIN, to the Minister representing the Minister for Transport:

Which airfields on existing jet routes in the north of Western

Australia would be suitable to accept DC9 aircraft at the present time?

Mr. JAMIESON replied:

The Member's attention is drawn to question 32 of 23rd August, and my reply on that occasion.

#### 16. PETROL AND DIESEL FUEL

##### *Revenue from Excise*

Mr. McPHARLIN, to the Treasurer:

- (1) What amount of money has been collected as customs and excise duties in Western Australia on—  
 (a) automotive petrol;  
 (b) aviation petrol;  
 (c) diesel fuel,  
 for the years from 1st July, 1969 to 30th June, 1973?
- (2) What recoups have been made to the State Government on fuel used in Government owned vehicles on which customs and excise duty was originally paid to the Commonwealth?

Mr. J. T. TONKIN replied:

(1) Gross collections—

	1969/70	1970/71	1971/72	1972/73
	\$	\$	\$	\$
(a) automotive spirit and other gasoline	23,922,000	29,676,000	36,785,000	38,887,000
(b) aviation fuels	1,516,000	2,702,000	3,137,000	3,116,000
(c) diesel fuel	2,499,000	3,568,000	4,428,000	3,699,000

(2) Nil.

#### 17. MOTOR VEHICLES

##### *Revenue from Fees and Charges*

Mr. McPHARLIN, to the Minister representing the Minister for Police:

- (1) What moneys have been collected in Western Australia for the years ended 30th June, 1969 to 30th June, 1973 for—  
 (a) motor vehicle registration fees and tax;  
 (b) drivers' licenses and fees;  
 (c) stamp duty on vehicle registration and transfers?
- (2) What number of motor vehicles has been registered in this State for the same period?

Mr. BICKERTON replied:

- (1) (a) Motor vehicle license fees collected—

	\$
1968-69	11,685,303
1969-70	11,783,580
1970-71	13,775,523
1971-72	14,887,137
1972-73	15,270,897

No motor vehicle tax is collected in W.A.

## (b) Drivers' license fees collected—

	\$
1968-69 ....	1,282,752
1969-70 ....	1,448,667
1970-71 ....	1,429,330
1971-72 ....	1,486,680
1972-73 ....	1,547,286

Excludes application and permit fees which are not separately recorded.

## (c) Stamp duty on vehicle registration and transfer—

	\$
1968-69 ....	1,669,889
1969-70 ....	1,977,565
1970-71 ....	2,102,891
1971-72 ....	2,247,282
1972-73 ....	2,416,788

## (2) Vehicles on register at—

31st December 1968—	381,116
31st December 1969—	415,471
31st December 1970—	443,300
31st December 1971—	453,547
31st December 1972—	478,682

## 18. ROAD TRANSPORT

*Revenue from Taxes and Fees*

Mr. McPHARLIN, to the Minister representing the Minister for Transport:

## (1) What moneys have been collected in Western Australia for the years ended 30th June, 1969 to 30th June, 1973 for—

(a) road transport taxes, including permit fees;

(b) road maintenance contributions?

## (2) What payments have been received annually from the Commonwealth under the Commonwealth Aid Roads Act 1969-1974?

Mr. JAMIESON replied:

## (1) (a) It is not stated what the expression "road transport taxes" is intended to cover. However;

(i) Revenue received from commercial goods vehicles license and permit fees under the Transport Commission Act is as follows—

Year	Amount \$
1968-69 ....	600,766
1969-70 ....	711,052
1970-71 ....	1,145,796
1971-72 ....	1,144,247
1972-73 ....	760,026

(ii) Revenue received by the Police Department for fees to cover overload, overwidth, overheight permits

in the districts under police traffic control is as follows—

Year	Amount \$
1968-69 ....	3,082
1969-70 ....	3,461
1970-71 ....	4,517
1971-72 ....	8,019
1972-73 ....	10,082

## (iii) Revenue received by the Main Roads Department for overload permits is as follows—

Year	Amount \$
1968-69 ....	231,323
1969-70 ....	174,111
1970-71 ....	223,335
1971-72 ....	233,963
1972-73 ....	222,897

## (b) Road maintenance contributions—

Year	Amount \$
1968-69 ....	3,210,135
1969-70 ....	3,623,518
1970-71 ....	3,990,144
1971-72 ....	3,821,729
1972-73 ....	3,359,297

## (2) Annual allocation received, or to be received, from the Commonwealth under the Commonwealth Aid Roads Act 1969—

Year	Amount \$
1969-70 ....	32,940,000
1970-71 ....	36,270,000
1971-72 ....	39,250,000
1972-73 ....	43,910,000
1973-74 ....	48,030,000

## 19.

## HEALTH

*Trachoma: Treatment*

Dr. DADOUR, to the Minister for Health:

(1) Is any more effective form of treatment for trachoma being recommended now than was in use before 1966?

(2) If so, why was the incidence of active trachoma in Aboriginal (76%) and Caucasian (5%) children at Carnarvon, Onslow and Moora, in 1969, just as high as it was 16 years before?

(3) What is the present incidence of active trachoma in children at those centres?

(4) What is the present incidence of active trachoma in children in the remainder of the north-west and the Kimberley?

- (5) Since Professor Mann, resident in Perth, is the regional member of the World Health Organisation Expert Committee on Trachoma, has her advice been sought on a trachoma eradication campaign for this State?
- (6) Has advice been sought from any trachoma expert of comparable international standing?
- (7) If "Yes" from whom?

Mr. DAVIES replied:

- (1) No.
- (2) Not applicable.
- (3) Moora, 1972. Aboriginal children showed active trachoma in 54.6%. In 370 children examined in Carnarvon in 1972, 10.27% had trachoma.  
No recent figures for Onslow.
- (4) In 1972 the incidence of trachoma in Kimberley school children was 9.24%.
- (5) Professor Mann was consultant ophthalmologist to the Public Health Department for nearly nine years and initiated anti trachoma campaigns.
- (6) Yes.
- (7) Professor Nichols, Professor of Microbiology, Harvard School of Public Health.  
Professor Barrie Jones, Professor Clinical Ophthalmology, University, London.

## 20. NATIONAL REHABILITATION AND COMPENSATION SCHEME

### *Submission*

Sir CHARLES COURT, to the Premier:

- (1) Has the State Government made a submission to the inquiry into a National Rehabilitation and Compensation Scheme headed by His Honour Mr. Justice Woodhouse?
- (2) If so, will he table a copy of the submission?
- (3) If no submission has been made, is it intended to make a submission and what will be the basis of the submission?

Mr. J. T. TONKIN replied:

- (1) A submission was made by the State Government Insurance Office.
- (2) Yes.
- (3) See (1).

*The submission was tabled (see paper No. 318).*

## COURT OF PETTY SESSIONS

### *Albany Case: Representations and Costs*

Sir CHARLES COURT, to the Premier:

With reference to the Peter Edward Jones case initiated by the Transport Commission and subsequently dismissed, will he advise Parliament—

- (a) Why he and the Attorney-General wrote the letters to Mr. Jones which brought an adverse reaction from Magistrate McGuire?
- (b) Were there any representations to him and/or the Attorney-General other than Mr. Jones' letter of complaint?
- (c) (i) Was the procedure followed by himself, the Attorney-General and Crown Law Department the normal procedure in cases of this kind;  
(ii) if not, in what way was it different and for what reasons?
- (d) (i) Is it proposed to continue this procedure in future;  
(ii) if not, what action is proposed to ensure that a similar situation does not arise?
- (e) What cost was incurred by the Crown Law Department—  
(i) for out of pockets (including travelling and other expenses);  
(ii) for professional staff and administrative staff time and work on the case?
- (f) Was any of this cost recouped from Mr. Jones or other sources?
- (g) What proportion of the work in connection with preparing papers for the court, etc., to achieve a rehearing and subsequent dismissal of the case was done by Crown Law Department?
- (h) (i) What is the normal procedure where representations are made for a case to be abandoned, discontinued, delayed, reheard, etc., including setting aside a decision of a court;  
(ii) who makes the final decision?

Mr. J. T. TONKIN replied:

- (a) The letter of the Premier dated the 4th December, 1972 was written to inform Mr. Jones of his position as the Premier then understood it. The letters of the Attorney-General dated the 22nd December, 1972 and of the Premier dated 4th January, 1973 written in reply to letters sent by Mr. Jones.
- (b) No.
- (c) (i) and (ii) Yes. It should be observed that the use of the phrase "normal procedure in cases of this kind" could lead to a misunderstanding of the answers. Relatively few prosecutions do not proceed to a conviction or an acquittal on the merits. But in those few cases, it is a normal and proper procedure for the charges either to be withdrawn or dismissed without evidence being adduced. It is not normal for such an application for withdrawal or dismissal to be refused by a Court. Because of that, it is not normal for a defendant, who has been informed that a case against him will be withdrawn, to be convicted in his absence. That having happened Mr. Jones could apply under section 136A of the Justices Act to have the charge re-heard. As it was not Mr. Jones' fault that he was in this unusual position, officers of the Crown Law Department of their own volition prepared the applications, an action which it is hoped would be repeated if similar circumstances arose. Officers of the Crown Law Department also arranged for payment of the \$1.00 filing fee by departmental voucher.
- (d) (i) and (ii) It is not expected that an application for withdrawal or dismissal would be refused. If it were, see the answer to (c).
- (e) (i) An intradepartmental voucher for \$1.80 was raised on filing of the original complaints and summonses and a similar voucher for \$1.00 was raised for filing the applications. No travelling or like expenses were incurred by the Crown Law Department on this matter as the listings were arranged

on days when an officer was attending the Albany Court on other business.

- (ii) Standard fees recoverable for this work including original complaints and summonses which would also cover administrative and other overheads would be in the range of \$20 to \$25.
- (f) Not from Mr. Jones. The department's charges to the Transport Commission cover this work.
- (g) The applications (two single page documents) were prepared by the Crown Law Department.
- (h) (i) and (ii) Where representations to abandon, discontinue or delay proceedings are received, whether at Ministerial level or by the department responsible for instituting the prosecution or by the Crown Law Department, the merits of the representations are normally considered by the officer responsible for instituting the prosecution.

There is necessarily a variation between different types of offences and between departments and between individual cases but the final decision would be made by either the officer responsible for instituting the prosecution or by the permanent head or at Ministerial level (with or without inter-ministerial or Cabinet consideration of the case).

Questions of the re-hearing of proceedings—including setting aside the decision of a Court—are the subject of an application to the appropriate Court where the judge or magistrate hearing the application makes the final decision.

## 22. WORKERS' COMPENSATION

### *Mining Industry: Increased Cost*

Sir CHARLES COURT, to the Premier:

- (1) Is he aware that the amendments to the Workers' Compensation Act currently before State Parliament would involve the gold and nickel mining industry in Kalgoorlie and surrounding areas in an additional insurance cost of \$1,750,000 to \$2,250,000 per year?
- (2) Has the Government any plans to ease the burden on the industry if this provision becomes law?

- (3) Does he agree this added cost is a further reason for the Commonwealth to abandon its proposed withdrawal of total tax exemption for gold and partial tax exemption for nickel mining industries and to reinstate the special tax investment allowances so far as they relate to mining and mineral processing?

Mr. J. T. TONKIN replied:

- (1) Yes.
- (2) No.
- (3) Yes.

23.

#### EDUCATION

##### *Immigration (Education) Bill: Liaison with Commonwealth*

Mr. MENSAROS, to the Minister representing the Minister for Education:

- (1) Has the Federal Minister for Education liaised with his department about the provisions of the Commonwealth's "Immigration (Education) Bill 1973" which was introduced in the House of Representatives on 22nd August, 1973?
- (2) Which are the—
  - (a) Government;
  - (b) non-Government,
 schools where additional classrooms will be built under the provisions of the beforementioned Bill?
- (3) How many classrooms are going to be built in each of these schools and at what time are the additions proposed to be commenced and concluded?
- (4) If he had no liaison and/or has no information in this matter, will he endeavour to receive this information and inform the House at a later time?

Mr. T. D. EVANS replied:

- (1) Correspondence has been received in respect of Government schools. The Australian Government proposes to finance the purchase of demountable rooms.
- (2) (a) Schools will be selected according to the number of students and the availability of demountable rooms.  
(b) No information is available.
- (3) See (2) above.
- (4) Not applicable.

#### 24. PRE-SCHOOL EDUCATION

##### *Expenditure and Grants*

Mr. MENSAROS, to the Minister representing the Minister for Education:

Adverting to his reply to part (2) of question 38 on 22nd August, 1973, could he please detail the

present assistance to the recurrent expenditure of the pre-school education centres from the Government's own resources which is proposed to be continued?

Mr. T. D. EVANS replied:

Present assistance by the Government from its own resources to meet the recurrent expenditure of the pre-school education centres consists of grants for—

- (a) general administration of the Pre-School Education Board including the salaries of the advisory teachers;
- (b) the salaries of the teaching staffs in the approved pre-school centres; and
- (c) assistance to needy kindergartens.

In 1972-73 these grants were \$78,000, \$629,000 and \$12,000, respectively.

The Government's proposals for 1973-74 will be outlined in the Budget.

#### 25. RURAL AND INDUSTRIES BANK

##### *Inclusion in Premier's Portfolio*

Mr. MENSAROS, to the Premier:

Could he explain the rationale behind the decision—taken by him soon after taking office as Premier—to take over the administration of the Rural and Industries Bank Act instead of leaving it under the responsibility of the Minister for Lands with whom it was since the operation of the Act?

Mr. J. T. TONKIN replied:

It was considered more appropriate for the Rural and Industries Bank Act to be administered by the Premier in view of the expansion of the bank's savings and general banking business.

#### 26. IMMIGRATION

##### *Increased Intake: Representation*

Mr. MENSAROS, to the Minister for Immigration:

In view of the undeniable inflationary trends in the State's economy, which can be expected to worsen with greater rate of increase in demand than in the productive capacity of supply sources, will he make representation to the Federal Minister for Immigration for revision of the Federal Government's policy and for drastic increase of the migrant

intake for the current financial year, or at least for securing a much greater proportion of immigrants than presently envisaged to Western Australia, so that at least one factor—labour—of productivity supply should not suffer shortage in the near future?

Mr. HARMAN replied:

The increasing demand for labour has already been brought to the attention of the Australian Minister for Immigration.

The demand for skilled labour in a range of occupational categories is recognised and steps have been taken to increase migrant intake by broadening the scope of advertising undertaken in the United Kingdom by the State Immigration Branch. The department has strengthened its London migration staff to assist in processing the applicants resulting from the increased advertising campaign.

## 27. LAND TAX

### *Commonwealth Proposals: Effect*

Mr. RUSHTON, to the Premier:

- (1) How will the land tax provisions in the Federal Budget affect the economy of this State?
- (2) Will the Government's recent modifications to land tax assessment to dampen down prices of urban blocks now be lost?
- (3) To what extent are our home and land prices expected to be increased by the land tax provisions in the Federal Budget?
- (4) Does he intend to take remedial action to limit the disadvantages of the Budget to our home buyers—
  - (a) by further legislative amendments;
  - (b) by objection and appeal to the Commonwealth Government for some changes?

Mr. J. T. TONKIN replied:

- (1) As the limit now put on deductions for land tax and private rates are understood to apply to personal incomes only, I cannot see that the move would have any significant effect on the economy of the State.
- (2) to (4) Answered by (1).

## 28. AGRICULTURAL PARTS SUPPLY CO. LTD.

### *Government Guarantee*

Mr. RUSHTON, to the Premier:

- (1) What effect has the Federal Budget had upon the economic viability of the Agricultural Parts Supply Co. Ltd., Northam?

- (2) In view of the Government guarantee of \$975,000 and the withdrawals by the Commonwealth Government of farmers' incentives to purchase farm machinery has the Treasury reassessed the risk to its commitment?
- (3) If "Yes" to (2), what are the terminations?
- (4) What has been the estimated loss to the company due to the Budget—
  - (a) in turnover;
  - (b) in net profit?
- (5) Will this Northam machinery company now proceed—
  - (a) as planned;
  - (b) to reduce capacity;
  - (c) to reduce employment opportunities;
  - (d) to cancel its intention to develop at Northam?

Mr. J. T. TONKIN replied:

- (1) In view of the excellent prospects for increased sales and higher prices for primary products, it is not possible at this stage to predict the extent to which the Federal Budget moves will affect the market for agricultural machinery. However, it is apparent that the principals of Agricultural Parts Supply Co. Ltd. will need to review market prospects in the light of this development.
- (2) The company is required to submit final details of its proposals before a guarantee will be issued and the Government will need to be satisfied that the industry has a reasonable chance for success.
- (3) Answered by (2).
- (4) and (5) Answered by (1).

## 29.

### TRAFFIC LIGHTS

#### *Denny Avenue-Albany Highway Junction*

Mr. RUSHTON, to the Minister representing the Minister for Police:

- (1) Is he aware of the article in the *Sunday Independent* of 2nd September, 1973 headed "Killer intersections—Ten worst tabulated"?
- (2) As Kelmscott Centre on Albany Highway between November 1972 and June 1973 experienced a greater serious accident rate than most of the bad intersections listed for 12 months, will he now immediately have lights installed at the Denny Avenue-Albany Highway junction?
- (3) Does he deny that the serious accidents at Kelmscott for the period I mention above have been nine?

- (4) From 1st July, 1971 in the metropolitan area—
- what intersections have had traffic lights installed;
  - what pedestrian crosswalks have been installed;
  - what are the reasons for each installation?
- (5) Why does he continue to refuse to authorise, either or both, one pedestrian crossing in Kelmscott Centre and traffic lights at Denny Avenue intersection to minimise the obvious danger to the walking and motoring public?
- (6) As he has refused to authorise the reduction of the speed limit below 40 m.p.h. through Kelmscott Centre, will he explain the rationale of installing 35 m.p.h. speed limit on the open roads in the sparsely occupied part of the shire and 40 m.p.h. speed limit through high density Kelmscott Centre?

Mr. JAMIESON replied:

- Yes.
- There has been only one accident reported at Denny Avenue/Albany Highway junction since November 1972.
- Records of reported accidents indicate two pedestrian accidents in Albany Highway, Kelmscott, for the period November 1972 to September 1973. For the same period there were three reported collisions at Gilwell Avenue, one at Fourth Avenue, one at Church Street and one at Denny Avenue and the junction of Albany Highway which were of a type susceptible to control by signals. All other recorded accidents were of a type not susceptible to control by signals, e.g. rear end, lane changing etc. This is a much better record than many other intersections throughout the metropolitan area.
- (a) Traffic Control Signals Installed After 1/7/71:—  
 Guildford Road-King William Street—23/8/71.  
 Hampton Road-Wray Avenue—20/9/71.  
 Guildford Road-Eighth Avenue—27/8/71.  
 Guildford Road-Moojebing Street—8/8/71.  
 Canning Highway-Bickley Street—1/9/71.  
 Stirling Highway-Wellington Street—7/8/72.  
 Loftus Street-Thomas Street-Railway Parade—31/7/72.

- Sutherland Street-Cleaver Street-Aberdeen Street—15/11/71.  
 Freeway off ramp—17/11/71.  
 Berwick Street-Hillview Terrace—14/12/71.  
 Beard Street-Rockingham Rd.—24/5/72.  
 London Street-Green Street—6/4/72.  
 High Street-Ord Street—14/2/72.  
 Main Street-North Beach Rd.—28/2/72.  
 Albany Highway-Cecil Avenue—14/3/72.  
 Harborne Street-Scarborough Beach Road—12/4/73.  
 Nicholson Road-Rokeby Road—21/5/73.  
 Beaufort Street-Central Avenue—3/8/72.  
 Woodrow Avenue-Alexander Drive—3/5/72.  
 Albany Highway-John Street—11/4/72.  
 Berwick Street-George Street—24/7/72.  
 Canning Highway-Reynolds Road—22/5/72.  
 Hay Street-Bennett Street—20/6/72.  
 Cambridge Street-Harbourne Street—18/7/72.  
 Shepperton Road-Duncan St.—20/7/72.  
 Albany Highway-Kenwick Road-Royal St.—14/11/72.  
 Great Eastern Highway-Helena Street—6/9/72.  
 Canning Highway-Douglas Avenue—16/10/72.  
 Albany Highway-Oats Street-Hillview Terrace—31/5/73.  
 Barrack Street-Esplanade—2/5/73.  
 William Street-Brisbane St.—4/3/73.  
 Beaufort Street-Brisbane St.—4/3/73.  
 Wellington Street-King St.—1/3/73.
- (b) Pedestrian Crossings Installed After 1/7/71:—  
 South Street east of Paget Street—16/10/72.  
 Kings Park Road west of Colin Street—4/11/71.  
 Victoria Square north of Murray Street—24/10/71.  
 Grantham Street west of Nanson Street—27/3/72.  
 Angelo Street west of Coode Street—29/11/72.

- (c) Traffic control signals are installed at locations where volume warrants are met and priority is indicated by reason of a right angle accident hazard.

Pedestrian (zebra) crossings are justified where there is significant pedestrian demand for a considerable period of the day.

- (5) A series of pedestrian refuge islands has been provided through the Kelmscott shopping centre. This provides a higher level of safety than a marked pedestrian crossing which would only serve a small number of pedestrians in the immediate vicinity of the crossing. The provision of marked pedestrian crossings where there is low or infrequent pedestrian demand is likely to increase the hazard.

Traffic control signals are provided where priority based on traffic volume and degree of hazard indicates. There are many intersections in the metropolitan area with a higher priority than Denny Avenue/Albany Highway.

- (6) Signs indicating the speed limit of 35 m.p.h. are erected at the boundaries of the Perth traffic control area to indicate to motorists the change from maximum limit of 65 m.p.h. on the open road.

### 30. HEN LICENSES

#### *Increase*

Mr. MOILER, to the Minister for Agriculture:

- (1) Has the W.A. Egg Marketing Board established the number of eggs it considers will be necessary to meet requirements of the board for the present licensing period?
- (2) Has the board indicated to the Minister the necessity to increase the total number of fowls licensed?
- (3) Does he propose to authorise the granting of supplementary licenses for the remainder of this licensing year?

Mr. H. D. EVANS replied:

- (1) to (3) Yes.

### 31. EASTERN HILLS HIGH SCHOOL

#### *Enrolments*

Mr. MOILER, to the Minister representing the Minister for Education:

- (1) What is the present enrolment for the Eastern Hills High School?
- (2) What is the anticipated enrolment for 1974?

- (3) What is the estimated number of third year students at present attending Eastern Hills who will continue to fourth year studies?
- (4) What is the present third year enrolment number?

Mr. T. D. EVANS replied:

- (1) 421.
- (2) 452.
- (3) 54.
- (4) 122.

### 32. JOHN FORREST NATIONAL PARK

#### *Restaurant*

Mr. MOILER, to the Minister for Lands:

With reference to the tearoom facilities at the John Forrest National Park, and in view of the fact that no tenders were received from persons desirous of building and operating tea room facilities, would he indicate what the Government's present proposals are to ensure early provision of this necessary facility within the Park, in particular,

- (a) is it the Government's intention to arrange for the building of a new tearooms at the park;
- (b) have plans and specifications been completed; if not, when is it anticipated they will be completed;
- (c) if the Government intends to construct new tearooms when is it anticipated that such new facilities will be available to the public?

Mr. H. D. EVANS replied:

- (a) Yes.
- (b) Plans and specifications will be completed early in 1974.
- (c) It is expected that the new facilities will be available to the public on or before the determination of the present lease on 1st June, 1976.

### 33. HYPERTENSION

#### *National Heart Foundation Survey*

Mr. A. R. TONKIN, to the Minister for Health:

- (1) Has the National Heart Foundation's survey into hypertension commenced in Perth yet?
- (2) If "No" when will it start?
- (3) If "Yes" have the survey participants been chosen and what is the method used in making the selection?

(4) When are results anticipated?

Mr. DAVIES replied:

- (1) No.
- (2) Towards the end of 1973.
- (3) Not applicable.
- (4) This is not known at the present stage.

## QUESTIONS (6): WITHOUT NOTICE

### 1. LICENSING COURT

#### *Policies*

Mr. CHARLES COURT, to the Premier:

- (1) Does the Government concur in the statements made by the Chairman of the Licensing Court, and widely publicised in recent weeks, about policies and practices to be followed by the Licensing Court in future?
- (2) If the Government does not concur in the statements and policies and practices enunciated by the Chairman of the Licensing Court, in what particulars is the Government in disagreement?

Mr. J. T. TONKIN replied:

- (1) and (2) I ask the Leader of the Opposition to place the question on the notice paper.

### 2. ARTS ADVISORY COUNCIL

#### *Patch Theatre: Subsidy*

Mr. HUTCHINSON, to the Minister representing the Minister for Education:

Arising out of my question directed to the Premier today—

- (1) Is it a fact that the Patch Theatre is barred from performing at schools?
- (2) If this is correct in whole or in part, will the Minister please explain why?
- (3) If at this juncture he is unable to give the necessary explanation, will the Minister have inquiries made and reply in due course?

Mr. T. D. EVANS replied:

- (1) to (3) As I only represent the Minister for Education in this House, I would invite the member to put his question on the notice paper and I will ensure that an answer is obtained.

### 3. PUBLIC SERVANTS

#### *Productivity*

Mr. McPHARLIN, to the Premier:

- (1) Did the Premier see the report in *The West Australian* of today that a public servant in Sydney wrote letters to newspapers saying he

worked only 2½ hours out of seven he spent at his desk?

- (2) Are all public servants in Western Australia working full time, or does a similar situation apply?
- (3) If a similar situation does apply in Western Australia, will he consider recommending a transfer of manpower to a more useful and productive occupation?

Mr. J. T. TONKIN replied:

- (1) Yes.
- (2) One swallow does not make a summer. There is no reason to believe that public servants in Western Australia are not fully occupied.
- (3) Answered by (2).

### 4. GOVERNOR *Appointment*

Mr. RUSHTON, to the Premier:

To clear up doubts as to the appointment of a Governor, created by the disputes and decisions reported from the recent A.L.P. State Conference—

- (1) Is a Lieutenant-Governor or a Governor now to be appointed?
- (2) Is Government House to be retained for the Vice-Regal residence, or handed over for another purpose?
- (3) Is the appointment now limited to a person born in Western Australia?
- (4) Has a person accepted appointment?
- (5) Has an appointment recommendation been forwarded to the Queen?
- (6) When is the appointment expected to be made?

Mr. J. T. TONKIN replied:

- (1) Yes.
- (2) Yes.
- (3) Yes.
- (4) Answered by (6).
- (5) No.
- (6) Later.

### 5. MEMBER FOR WEMBLEY

#### *Statements by Minister for Works*

Mr. R. L. YOUNG, to the Minister for Works:

- (1) Was the Minister correctly reported in *The West Australian* wherein it was stated that he referred to me at the A.L.P. State Conference as a "tycoon"?
- (2) If he was correctly reported, could he state what is a "tycoon"?

- (3) Has he absolutely satisfied himself that I am a "tycoon"; and if he has, would he mind telling my bank manager?

Mr. JAMIESON replied:

- (1) to (3) I doubt whether the question is admissible; but to give you the chance to examine it, Mr. Speaker, I ask that it be placed on the notice paper.

6.

#### MEAT

##### *Exclusion from Export Incentive Schemes*

Mr. McPHARLIN, to the Minister for Agriculture:

With regard to the report in *The West Australian* today that the Federal Government has decided to exclude meat exports from export incentive schemes—

- (1) Does the Government agree with this action?
- (2) If not, will a protest be made to the Minister for Overseas Trade and Secondary Industry?

Mr. H. D. EVANS replied:

I thank the Leader of the Country Party for prior notice of this question, the answer to which is as follows—

- (1) and (2) It is intended to make an approach to the Minister for Overseas Trade and Secondary Industry seeking further information on the effects of this decision.

#### AGE OF MAJORITY ACT AMENDMENT BILL

##### *Third Reading*

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

#### EXCESSIVE PRICES PREVENTION BILL

##### *Third Reading*

MR. HARMAN (Maylands—Minister for Labour) [5.06 p.m.]: I move—

That the Bill be now read a third time.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.07 p.m.]: I rise simply to indicate that we of the Opposition have not changed our minds in respect of the matters contained in this Bill to control excessive prices. I, together with the Premier and a number of other members of this Parliament, spent some time in Sydney last week at the Constitutional Convention, at which we saw an exercise in politicking relating to matters of prices control throughout Australia.

We had an opportunity not only privately but publicly to find out the opinions of various people in relation to prices control, price freezing, or price fixation—call it what one will—and nowhere did I find a person who could tell me precisely how this proposition would work in controlling inflation. In fact, the general consensus of opinion—at least amongst those not using the matter for political purposes—was that it was totally a political gimmick. We oppose the third reading.

MR. RUSHTON (Dale) [5.08 p.m.]: I take the opportunity to address a few remarks to the House purely as a result of the late presentation of information asked of Ministers over a long period. It is very interesting indeed that the information was presented after the debate was concluded. I rise to comment because even though the information provided is somewhat scanty, it illustrates that South Australia has no advantage over Western Australia as a result of prices control. A fact that the Minister did not equate is that in the June, 1973, quarter the average weekly earnings in Western Australia were \$104.90, whereas in South Australia the figure was \$100, and that included the Northern Territory. It would be agreed that average weekly earnings would be higher in the Northern Territory than in South Australia. So we see another factor presented which proves that prices are cheaper in Western Australia than in South Australia, when assessed on a comparable basis.

In addition, I would refer to the Quarterly Summary of Australian Statistics, for June, 1973. I intend to quote the weekly wage rates for all groups, as set out in the indexes of weighted average minimum weekly rates payable for a full week's work, excluding overtime, as prescribed in awards, determinations and collective agreements; and I refer to the figures since December, 1971. The figures are as follows—

	South Australia	Western Australia
	\$	\$
December, 1971	59.41	62.04
December, 1972	65.16	65.59
February, 1973	65.48	66.33

From those figures one can see that wage earners in Western Australia have an advantage over their counterparts in South Australia. This can be related to the figures supplied by the Minister in reply to a question I asked—a reply which was delayed for months. One finds that, for instance, bread—which is subject to price control in both States—is only 1c dearer in Western Australia, and that difference would be related to the difference in wages.

That is one of the food lines. I have not ascertained the reason for the disparity in the price of Kellogg's Corn Flakes, but

I suppose one could eat another brand of corn flakes. With regard to petroleum products, the prices of which are based on the prices fixed in South Australia, we find that lighting kerosene is cheaper in Western Australia than in South Australia; but perhaps that could be related to the fact that we have our own refinery. However, we find that distillate costs more in this State than it does in South Australia, and that the difference in the totals for petroleum products is only fractional.

With regard to clothing, the difference in prices between South Australia and Western Australia is once again only fractional. Turning to footwear, we find that one item which costs \$11.25 in the State with so-called prices control costs only \$9.99 in this State.

Then, in a summary at the end of his reply to my question, the Minister referred to the cost of selected grocery items in Western Australia and South Australia in January, 1973; and we find that the cost of those items was \$6.56, in South Australia, and \$6.94 in Western Australia. However, one must bear in mind that at that time Western Australia had the advantage of higher average weekly earnings, which would more than make up the difference. In June, 1973, the cost of those items was the same in both States, with Western Australia still having an advantage in wages.

These facts support the claim of the Deputy Leader of the Opposition that this is an exercise in gimmickry. Surely, if one considers the expressions of opinion of those in the Commonwealth Government and Commonwealth Opposition—and of those in other quarters who have any real thoughts about this issue—one must realise that there is every reason for the Government to withdraw the Bill. It was presented only to confront the other Chamber so that the Tonkin Government could say, "We have done our best." Of course, at the same time we have seen that costs have been allowed to run wild. The Federal Government has acted badly in regard to inflation; so much so that the State Government has lost the advantages it had and the chickens have come home to roost. Gimmickry is not good enough in this issue.

Mr. T. D. Evans: If the Legislative Council were to pass the legislation we could see whether or not it has merit. We believe it has, but you believe it has not.

Mr. RUSHTON: The Legislative Council would be acting irresponsibly if it passed this measure. It is the hope of the people of Western Australia that the other place will again act responsibly and reject the legislation. For a long time the Minister produced nothing at all to prove his point: he produced nothing whatsoever to say why we should have this measure. My opinion is supported by the Federal counterparts of members opposite. The Federal people

have already commented upon what in their opinion should be done, and it does not equate with the opinion of members of this Government. Therefore we are now wasting our time. In the earlier stages the Government attempted to pull the wool over the eyes of the people, but fortunately the wool has now been removed and the people can see this legislation for what it is.

I now have in my possession a few facts that have been presented to me by the Minister and at this stage I would point out that I asked for them many months previously. In my opinion, when we apply these facts to the wages earned by the employees of Western Australia they disprove any point that has already been made by the Government in support of the legislation and uphold the attitude that has been adopted by the Opposition towards it.

**SIR CHARLES COURT** (Nedlands—Leader of the Opposition) [5.16 p.m.]: My colleague, the Deputy Leader of the Opposition, has commented on price fixing legislation, as such. However, with his concurrence, I desire to make a few comments on the total question confronting Australia today, which is related to this particular issue. I refer to the question of inflation. It seems to be the obsession of the Australian Labor Party that prices control is all that is needed to solve the question of inflation, but it could not be more wrong because there are many of us in this Chamber who have had a great deal of practical experience in regard to the effects of prices control and it has been found that such control does not stop prices rising.

Prices control may give some people some satisfaction by having control over the affairs of others; in being able to see their accounts and to study their practices, procedures, and so on, but if we are seeking a solution to inflation and not an excuse for it, this is certainly not the answer.

Both State and Federal Liberal leaders in Australia conferred on prices on the 18th July and subsequently announced a proposal to the Commonwealth Government. They pointed out that prices control alone would not solve the problem of inflation, but if we wanted some action taken which may have a temporary effect—and I emphasise "temporary effect"—then a prices-incomes approach would bring about some benefit. It would, of course, be of a very temporary nature, even if the Commonwealth Government had full power to freeze prices and incomes; because experience in many countries is that it is a very temporary expedient and as soon as the freeze is lifted prices and incomes start to take off again and quickly recover to their previous position. However, such a temporary freeze move does have the advantage that in the interim period it is possible for those responsible to look at the whole question of inflation to ascertain whether they can do something on a total basis which will have some lasting effect.

There has never been a popular and easy way to deal with the question of inflation. There is no royal road to follow in trying to find all the answers, because there are many facets to it. Some of them include human characteristics, social, and economic issues. If it is not possible to obtain productivity in the work force we will never defeat inflation. The question involves not only the work force but also the efficiency of management, and there is no doubt that industrial stoppages can do a great deal to accelerate inflation.

The whole principle behind the proposition put forward by the Liberal Party leaders in Australia was not to cede powers to the Commonwealth, but to make powers available on a temporary basis—presumably by complementary legislation—so that this freeze could be applied on a predetermined basis—I emphasise: on a predetermined basis—because it was pointed out that if prices and incomes powers were given to the Commonwealth temporarily we could have a situation where the Commonwealth could implement its powers in regard to prices but would not act on all the other concessions made by the States to the Commonwealth.

Also it is understood that there is a serious doubt whether ceded powers, even if given subject to conditions, can be withdrawn. In fact, this is one of the matters that arose from the convention held last week and it will be given further study, with possibly a referendum being held on it. The aim is to clarify the position where powers are given by the States to the Commonwealth, subject to conditions which can be withdrawn and, likewise, for the Commonwealth to do exactly the same thing. This avoids running the gauntlet, as happens at present, by ceding power to the Commonwealth, even if such a move is intended to be only temporary.

The whole purpose of the move proposed by Liberal leaders would be to permit the Commonwealth to confer with the States, together with all the institutions involved—including the trade union movement, the manufacturers, the industrialists, the merchants, and the finance houses—so that a total approach could be made to this question.

The Commonwealth Government, for political reasons, has been obsessed with this talk about prices control. Last week at the convention it was quite obvious it was a straightout electioneering stunt before the Parramatta by-election with a view to giving people the idea the Commonwealth was trying to control inflation and prices, but was prevented by lack of power—which was not correct.

The SPEAKER: I think the Leader of the Opposition is getting away from the Bill.

Sir CHARLES COURT: I have to outline the reasons why the Government

wants prices control and why its counterparts in Canberra are seeking it. I assure you, Mr. Speaker, that I have no desire either to transgress or to speak much longer. However, if I may, I will deal with this question: The Commonwealth Government has applied a number of measures outside of prices control which were said to be directed at curbing inflation. It revalued the dollar, and that failed. It made tariff cuts and they failed. It imposed restrictions on overseas capital coming into Australia, and they failed to dampen inflation. It has made a further revaluation of the dollar and that will fail. We have now been given a warning of steep increases in interest rates and that move will fail. All that will do will be to promote further inflation.

Mr. Moller: How can you claim they have failed when the economy at present has never been so buoyant?

Sir CHARLES COURT: Of course, the honourable member must recall that we were told by the present Commonwealth Government that when it revalued the dollar there would be a curb on inflation, but since then we have had the highest rate of inflation in post-war history. So I return to my point that prices control in itself is not the answer to the problem. Alternatives have been suggested to the Commonwealth, but it is not prepared to accept them because it did not want to face up to its reckless Government spending.

Mr. Harman: What is your answer?

Sir CHARLES COURT: I have given it to the Minister. We cannot deal with this problem as one particular issue, and therefore I want to make these comments to put it on record that the Opposition both here and in other States—that is, the Liberal leaders in other States, including the Premiers where appropriate, and the Federal Leader of the Opposition—has put forward a proposition which is realistic and fair, indicating that the Opposition parties are prepared to get together with the Commonwealth Government to try to assist it in making a total attack on inflation. I oppose the Bill.

MR. HARMAN (Maylands—Minister for Labour) [5.23 p.m.]: The speakers who addressed themselves to the debate on the third reading of this Bill only rehearsed what had already been said in the debates held during the other stages of the Bill in its passage through this House. Actually it is not necessary to comment on those remarks, but I wish to make one or two points.

Firstly, the people of Western Australia gave this Government a mandate to introduce this measure to Parliament. We have had continuous complaints about high prices and the fact that they are still rising, and if we are to do anything about

the problem it is necessary to have a system whereby we can investigate the structure of prices of goods sold to the community. The only way to do that is to have the powers and the machinery provided in this measure.

I repeat that it is not our intention, once the legislation becomes law, to control immediately the price of every article in Western Australia.

Sir Charles Court: Not much!

Mr. HARMAN: What we would do would be to examine the prices of those articles that have been the subject of complaints or take action because of other situations that may arise. If necessary, we would then arrange for those prices to be controlled.

Sir Charles Court: Have you made representations to the Commonwealth Government about its inflationary Budget which automatically pushes prices up?

Mr. HARMAN: The Deputy Leader of the Opposition referred to previous experiences when prices control was imposed in this State. This was during the war years. He said it failed that time, and therefore it will fail this time.

Sir Charles Court: We had it for quite a while during the postwar years, too.

Mr. HARMAN: I agree, but that was a carryover from the war years. However, members of the Opposition will have to look for other reasons before I accept the proposition that the legislation is not necessary.

I repeat that we have a mandate from the people to introduce this legislation in an endeavour to resolve the problem of rising prices in Western Australia. We want to have an opportunity to examine the structure and the machinery used to fix prices and, if necessary, to control them in the interests of the people of this State.

Question put and a division taken with the following result—

#### Ayes—22

Mr. Bateman	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brown	Mr. Jones
Mr. Bryce	Mr. Lapham
Mr. B. T. Burke	Mr. May
Mr. Cook	Mr. McIver
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Harman	Mr. Moiler

(Teller)

#### Noes—22

Mr. Blaikie	Mr. Nalder
Sir Charles Court	Mr. O'Connor
Mr. Coyne	Mr. O'Neill
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. A. A. Lewis	Mr. Sibson
Mr. E. H. M. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning

(Teller)

#### Pairs

Ayes	Noes
Mr. Bertram	Mr. Stephens
Mr. Brady	Sir David Brand
Mr. T. J. Burke	Mr. Gayfer

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a third time and transmitted to the Council.

### NURSES ACT AMENDMENT BILL

#### Second Reading

MR. DAVIES (Victoria Park—Minister for Health) (5.30 p.m.): I move—

That the Bill be now read a second time.

Members will recall that the Nurses Board was created as an autonomous statutory board under the legislation enacted in 1968.

The supervision of the practice of nursing was previously undertaken by the Public Health Department, with the assistance of a board. All finance, staff, and administrative matters were handled by the department.

When the present board came into existence it was provided with limited accommodation taken over from its predecessor. It later moved to more commodious rented accommodation.

The board now considers that it would be better served and more secure if it purchased its own building. It has selected premises at 1140 Hay Street and is satisfied with the price asked. This has been supported by Government valuation. The purpose of this Bill is to empower the board to raise money by mortgage so that the deal may be completed.

The amendment is limited to section 16 of the Nurses Act. This section specifies the sources of funds which the board may receive.

In reviewing the need for amendment it was apparent that subsection (1) of section 16 has never recognised that funds of the board include an annual amount appropriated by Parliament. The opportunity has therefore been taken to bring the subsection into line with present practice by recognising that such amounts commonly form part of the board's funds.

Property may be mortgaged only with the approval of the Treasurer. In addition, the Treasurer may guarantee any such transaction. This would provide the board with the most favourable terms.

I am satisfied that the board's desire to purchase its own building is justified and financially sound, and recommend that the Bill be supported.

Debate adjourned, on motion by Dr. Dadour.

**DENTAL ACT AMENDMENT BILL***Second Reading*

**MR. DAVIES** (Victoria Park—Minister for Health) [5.32 p.m.]: I move—

That the Bill be now read a second time.

In the previous session of Parliament a Bill affecting several provisions of the Dental Act was passed. One of the amendments concerned the establishment of a Dental Charges Committee.

This provision was subject to debate and amendments were inserted during consideration in Committee. I am sure members will recall that they were inserted in the dying hours of the last session.

A small error in wording was introduced in the amendments agreed to. The Act should refer to the committee in two places in section 51C. In fact it uses the word "board".

The purpose of the Bill is to correct the wording so that there shall be no confusion between the Dental Charges Committee, which is the body concerned, and the Dental Board.

Debate adjourned, on motion by Dr. Dadour.

**WORKERS' COMPENSATION ACT AMENDMENT BILL (2ND.)***Second Reading*

Debate resumed from the 23rd August.

**MR. O'NEIL** (East Melville—Deputy Leader of the Opposition) [5.34 p.m.]: At long last we have reached the stage where we are able to consider amendments to the Workers' Compensation Act. The history of this Act during the life of the present Government is well known and therefore there is no need for me to traverse the trials and tribulations we had to undergo in order to obtain a readable Act and Bill. We have these now and for them I thank the Minister.

As a fortnight has elapsed since the introduction of the Bill it well may be thought that the Opposition has had an opportunity to consider it and prepare appropriate amendments. The Minister, though, will be aware of the fact that I have been in New South Wales for some 10 days attending the Constitutional Convention. He is more aware of the fact because I had the pleasure of meeting him at a dining place in Sydney during that time.

**Mr. Jamieson:** Where?

**Mr. O'NEIL:** I saw the Minister for Works at the same location on that night.

I want to indicate to the Minister that we have had the opportunity to give the Bill a considerable amount of study, but as yet we have not had the opportunity to prepare amendments in a form appropriate for the notice paper. Conse-

quently, on the understanding that the Minister would probably at least like to move the Bill into Committee today, I will deal with the various clauses in a fair amount of detail during my second reading speech to give the Minister at least some indication as to what we propose to do in respect of his legislation.

I wish to some extent to recapitulate the recent history concerning workers' compensation legislation. It is a fact that at the last election the present Government indicated it would undertake a major review of the legislation. It was said that it had not been reviewed for a long time. However, I was able to point out that in the six years I was Minister for Labour seven or eight amendments were made. Certainly more amendments were made than there were sessions of Parliament during that time, some of those amendments being substantial and some not so substantial.

A major effort was made when the Government of which I was the Minister for Labour established a committee widely representative of all those people and organisations affected by workers' compensation; namely, the State Government Insurance Office, the Premium Rates Committee, the Secretary for Labour, the Employers Federation, and the Trades and Labor Council. That committee undertook a major research into the legislation, and with the exception of the reference to mesothelioma, the Bill as submitted by me to Parliament contained all the recommendations of the committee.

Certain submissions made by the trade union movement were not accepted by the committee as similarly some of the submissions of the Employers Federation were rejected. However, the committee met in an atmosphere of compromise and discussion and I think a great amount of progress was made towards producing fair and reasonable compensation in the general run of things.

In the Governor's Speech in 1972 reference was made to the establishment of a committee in order to re-examine the workers' compensation legislation. On Tuesday, the 28th March, 1972, I asked the then Minister for Labour a question concerning whether a committee had been established; and if not, why not; and also whether that committee was to examine and propose amendments to the Act as foreshadowed in the Governor's Speech. I was advised at that time that the Minister for Labour Advisory Committee had been appointed to advise the Minister on all matters concerning industrial relations. I was told that the committee comprised Mr. J. W. Coleman, the Secretary of the Trades and Labor Council; Mr. F. W. Cross, the Director of the Employers Federation; and Mr. H. A. Jones, then Secretary for Labour, but now Under-Secretary for Labour.

I was interested to ascertain the amount of work which had been done, but at that particular time the then member for Bunbury (Mr. Williams) was taking an active interest in matters concerning industrial relations so, on behalf of the Opposition, Mr. Williams posed some questions to the Minister on Tuesday, the 14th November, 1972, the same year in which I asked my initial question. He asked—

- (1) When was the committee known as the Minister for Labour Advisory Committee appointed and when was the first meeting held?

The answer was that the first formal meeting was held on the 17th February, 1972. Part (4) of his question reads—

- (4) Was the workers' compensation Bill now before the House the result of these discussions?

This, of course, was the first attempt by the Government to make amendments to the Workers' Compensation Act. The answer to that part of the question referred Mr. Williams back to the answer given to part (3). Part (3) of the question reads—

- (3) At how many of these meetings was workers' compensation seriously considered and discussed and what recommendations were made?

The answer reads—

- (3) The committee was advised of the Government's legislative programme for 1972, particularly those matters referred to in the Premier's election policy speech and in which the Workers' Compensation Act amendment was specified. The particular Act was not seriously considered at these meetings except that members were advised that amendments being prepared were interim only pending full-scale investigation and research into a new Workers' Compensation Act.

That seemed fair and reasonable. A certain amount of time had elapsed, and the committee had not been specifically requested to carry out its examination. I think the Government was under some little or great pressure to do something about workers' compensation, and, as a result, some interim measures were being prepared. Part (6) of the same question was—

- (6) By whom were the contents of the Bill suggested?

The answer was—

- (6) The Workers' Compensation Board, the Australian Labor Party Parliamentary Industrial Committee, and written views presented by the Trades and Labor Council.

There was also a statement to the effect that those amendments were not discussed on a tripartite basis. So, despite the announcements by the Premier that this

matter would be regarded as important and a full review would be undertaken in order to produce a new Act, and despite the fact that a Minister for Labour Advisory Committee had been established, that committee being representative of both sides of industry—management and labour—but not insurers, we had before us as an interim measure a Bill which emanated from the Australian Labor Party Parliamentary Industrial Committee, the Workers' Compensation Board, and the Trades and Labor Council.

I referred to pressure having been applied in order to get this interim Bill before Parliament in quick time. The Bill was introduced at 11.26 a.m. on Thursday, the 10th May; and it was interesting to read in the *Daily News* of Friday, the 11th May, an article headed, "M.P. Survives Union Threat". Portion of the article reads—

The Attorney-General, Mr. T. D. Evans, has survived a union threat to unseat him from his Kalgoorlie electorate.

The powerful Australian Workers Union warned him that it would contest his seat if his government did not get on with the job of workers compensation reform.

Reference was made to Mr. Alf Barwick having confirmed that his union's political muscle would be used.

So the 1972 Bill was, to a degree, ill-considered, if it was considered at all. It was to be regarded purely as an interim measure. At that time a special committee had been established to make a thorough and complete review of the Act. In fact there was in existence the Minister for Labour Advisory Committee one of the objects of which was to study the Act.

Of course, the 1972 Bill was one of those which lapsed. It was not debated during that session and I think it was then reintroduced with a considerable number of amendments. I have forgotten the exact history of the Bill, but certainly it did not see the light of day. At least, if it did it was reintroduced and the Minister had a considerable number of amendments to it.

Then, of course, came the confusion relative to the Minister's amendments which were announced at the second reading stage and also the confusion with respect to a clean print of the Act. This has all been resolved and we now have before us a measure which can, at least, be understood—although it differs in a great number of respects from the original 1972 proposals—and can be related to a clean copy of the Act.

According to the Minister's second reading speech, once again this Bill is to be regarded as an interim measure because an inquiry into a national compensation scheme is currently being conducted

throughout Australia by Mr. Justice Woodhouse who has recently been to Western Australia. Hearings were held the week before last and we, on this side of the House, made submissions at the hearings in respect of a national compensation scheme. I understand from answers given to questions asked by the Leader of the Opposition today that the State Government Insurance Office in this State made submissions to the Woodhouse committee.

Mr. Harman: Will you table your submissions?

Mr. O'NEIL: Our full submissions have been supplied to Mr. Justice Woodhouse and to the media but I do not know whether the media will do anything with them.

We must now look at the proposals before us to amend the Workers' Compensation Act and, to a degree, compare them with what appear to be the lines of action and reasoning so far being taken by the Woodhouse committee. I want to say, too, that employers have been anxious to join with the Government to examine thoroughly the provisions of the Workers' Compensation Act along the lines of the Premier's policy speech but, so far, to little avail. From correspondence I have in my possession it is apparent that the Minister for Labour at the time made some approaches to the Employers Federation on the 28th December, 1972, relative to workers' compensation. On the 13th February, 1973, the acting Minister for Labour (The Hon. A. W. Bickerton) wrote to the Employers Federation. I will not read the whole of the letter but he said, in part—

It has now been brought to attention that the Commonwealth Government is likely to explore the possible introduction of a National Compensation Scheme. Therefore, subject to obtaining more definite details of the Federal proposal, it is not intended to proceed with the immediate establishment of the special committee.

This is referring to the special committee to examine thoroughly the Workers' Compensation Act. This communication was confirmed on the 27th February, 1973, in a letter to the Director of the Employers Federation, this time over the signature of the Minister for Labour (The Hon. A. D. Taylor). The letter reads, in part—

On January 24, 1973, the Right Honourable the Prime Minister of Australia made a statement to the effect that Justice Woodhouse and others were to meet and advise the Government on a special national insurance scheme incorporating Workers' Compensation.

In lieu of the imminent meeting of this group and the requirement that their report will be based on Federal legislation, the Western Australian

Government has decided to wait until the guidelines of the Commonwealth legislation are known before we push forward with our own enquiry.

Thank you for your offer to participate. I will keep in touch with you and, should it be considered necessary you will be contacted for nominations to such a committee.

At that time it was clear that there appeared to be a delay in a major review of workers' compensation because of the formation of a committee and the inquiry being carried out by Mr. Justice Woodhouse.

Let me say this: As distinct from being an interim measure, the piece of legislation before us proposes a number of considerable major changes of a far-reaching nature—quite dangerous changes, if I may say so.

Mr. Jones: Quite good ones, too.

Mr. O'NEIL: Maybe some are good and maybe some are not. However, anyone who describes this Bill as an interim measure to maintain the *status quo* while a major inquiry is being carried out is right off the beam.

Mr. Hartrey: It is not meant to be.

Mr. O'NEIL: The member for Boulder-Dundas should read the Minister's second reading speech when the Minister said, and quite clearly reiterated, that the proposals were to be regarded as interim ones. I cannot pick up the relevant section of the speech at the moment. The Minister said that the Bill replaces the earlier one introduced in the first part of the session and went on to indicate that a major review is being conducted but the Workers' Compensation Act is being updated as an interim measure. The Minister went on further to say that the greater part of the compensation rates would be based on the Commonwealth Employees' Compensation Scheme.

I want to make the point which I have made many times previously: the Commonwealth Employees' Compensation Act cannot be related to the Workers' Compensation Act of any State because the terms of the Commonwealth Employees' Compensation Act are, in fact, terms and conditions of employment. It is a non-contributory fund. People who are employed by the Commonwealth under the Commonwealth Employees' Compensation Act, regard the provisions of that Act as conditions of service. There is no requirement for a premium income to finance this scheme. Consequently, we cannot refer to the Commonwealth Employees' Compensation Act as being in any way comparable with the matter we are discussing now.

I shall deal generally with the matter of a national compensation fund. During my last speech on workers' compensation

the member for Collie asked me, by way of interjections, whether I had made a study of it. I had made a cursory examination of the proposals but since the Woodhouse committee hearings in Western Australia, together with the information it has gathered from all over Australia, I have had the opportunity to find out quite a deal more about what its proposals are.

We should not lose sight of the fact that Mr. Justice Woodhouse came from New Zealand where a national compensation scheme is to be introduced and will be operative as from April of next year. It has been on the Statute book for some time but its implementation has been delayed.

Mr. Hartrey: From the 1st April?

Mr. O'NEIL: Maybe, but I know there are certain major difficulties in implementing the scheme. The New Zealand national compensation scheme is designed to ensure that a person will be compensated for whatever reason he is absent from his place of earning money. Under that scheme a person will be eligible to receive compensation if he is absent from work as a result of an industrial accident, a motorcar accident, or through breaking a leg while skiing—in fact, for any reason other than a mere desire to have a rest. However, the compensation will be at a rate which is equal to 80 per cent. of the person's average weekly earnings. Actually there is some doubt as to whether there may even be a limit on that. I am certain there is. I understand it will be 80 per cent. up to a maximum amount but, beyond that, it stays at that maximum amount. Further, I understand that under the provisions of the New Zealand legislation all rights at common law are expunged; in other words, there are no rights at common law for a person who is receiving compensation under the national scheme. I do not think that is the sort of proposal which would be acceptable to the work force generally or to the member for Boulder-Dundas.

Mr. Hartrey: Not entirely.

Mr. O'NEIL: I shall refer to some notes because I want the details to be accurate. The notes are headed, "Basic Questions Raised by Woodhouse Committee of Enquiry" and state—

In the course of public hearings Mr. Justice Woodhouse has stated that he proposes to adhere to the "broad philosophy" of the Report of the New Zealand Royal Commission known as the Woodhouse Report.

This is because Mr. Justice Woodhouse, who is carrying out the inquiry in Australia, was the Royal Commissioner in New Zealand. To continue—

That broad philosophy involves:

- (1) The provision of compensation by way of periodic pay-

ments to all persons who suffer injury by accident regardless of cause or responsibility, such payments to be:

- (a) Related to the previous income of the claimant, but not exceeding a fixed and modest limit;
- (b) Limited to a proportion of such income in the order of 80%.
- (c) Unlimited in duration, at least during period of incapacity.  
(There are also certain lump sum rights for minor disabilities.)

- (2) (a) In order to provide the funds for such a scheme it is necessary to abolish all other forms of compensation, such as Workers' Compensation and especially Common Law rights.
- (b) Thus the compensation levels fixed under such a scheme will be the maximum available, regardless of the fact that the income of the claimant might exceed the maximum allowed, regardless of the degree of responsibility, and regardless of pain and suffering caused to the claimant and other intangible losses.
- (c) It also follows that the same level of compensation will be received by a man who is crushed by defective machinery and a man who drunkenly drives into a tree or voluntarily and irresponsibly engages in dangerous sports such as motorbike racing or parachute jumping.
- (3) (a) Mr. Justice Woodhouse considers that it is essential to have a centralised fund-raising apparatus in place of insurance companies which have no right to administer or participate in what he views as "public funds".
- (b) The latter belief flows somewhat illogically from the assumption that monies paid under compulsory insurance schemes are not obtained voluntarily from the persons or enterprises providing them.

- (c) The desire to do away with the interest of insurance companies in this area is also supported by him on the (unproved) grounds that they add to expense and rely on the "adversary system" (i.e. litigation of claims before courts and tribunals) to prevent claimants recovering any compensation. In fact evidence so far given shows that only a small proportion of motor car claimants and a minute proportion of industrial injury claimants fail to recover any compensation under existing laws.
- (4) Apart from industrial diseases already covered by Workers' Compensation, the scheme would leave all other persons suffering loss of earning capacity by reason of disease on the minimal amounts given by way of invalid pensions. No reason other than convenience and expense is given for such differentiation.

I do not think Australia is going to accept this principle of a national compensation fund, even if only from the point of view of cost. On the last occasion I spoke on the subject of workers' compensation I compared New Zealand and Australia, having regard for the relative sizes of the work forces. I indicated that it appears every worker will be required to pay somewhere between \$1.25 and \$1.50 each week, at this point of time, from his take-home pay to cover him for compensation.

Mr. Hartrey: To compensate himself. Thank God our Act does not provide that.

Mr. O'NEIL: This is only an interim measure.

Mr. Hartrey: No it is not.

Mr. O'NEIL: The member for Boulder-Dundas should talk to his Premier. The measure has been introduced simply to maintain the *status quo* until such time as there is a Commonwealth compensation scheme. If the honourable member does his homework he will find this is so. At the moment the employer pays the premiums in respect of workers' compensation but, under a national scheme, the employee will pay them.

To be sure that he is covered in respect of any lost time because of injury whether on the job or otherwise, a worker would be paying \$1.25 a week. If we add that to the proposed cost of the national health scheme, as well as a few other odd bits and pieces, the poor old worker will not

have anything left in his pay packet. Therefore, I do not believe this provision will be looked upon very favourably.

I would like to discuss another aspect of the measure, and I must say that I have never before referred to the matter of cost when discussing workers' compensation. I have always said that we should never be niggardly about compensating a person for injuries sustained during his occupation. However, this Bill has made me change my mind about discussing this matter because it goes completely overboard. Under the new provision, we will have a prescribed amount as a maximum in respect of workers' compensation. However, certain provisions remain which allow the maximum to be exceeded in certain circumstances. I believe in round terms the maximum will be about \$25,000, if we use the formula.

Mr. Hartrey: It is \$26,000.

Mr. O'NEIL: All right, \$26,000 in round terms. I believe the present maximum is \$14,000.

Mr. Hartrey: Not quite that.

Mr. O'NEIL: So the maximum will be almost double. Under this legislation, the cost of workers' compensation will increase by something like 120 per cent. To my way of thinking this indicates how rash the Government has been, and how dangerous its policy is in regard to this legislation.

I want to make the point again that under normal circumstances I would not object to the cost to employers of fair and adequate workers' compensation but this is neither fair nor equitable.

Mr. Jones: Do you ever stop to consider the case of a man who has lost the sight of both eyes? Do you think \$14,000 is enough to compensate him for that permanent disability?

Mr. O'NEIL: I knew that question would come up, and I made the point that I do not normally question the cost of workers' compensation. However, it has to be fair and equitable.

Mr. Jones: Do you suggest the level is too high?

Mr. O'NEIL: To be perfectly fair it is too high. In the long term I suppose the public will pay for it because increased costs in respect of workers' compensation insurance must ultimately be passed onto the consumer—the person who buys the product being produced by the factory which must insure its workers.

I wish to refer to one particular industry, and that is the underground mining industry, with the exception of coal.

Mr. Jones: Well, do not touch that one!

Mr. O'NEIL: No, I will not.

Mr. Jones: You leave that to me.

Mr. O'NEIL: The Leader of the Opposition asked the Premier a question today. Part (1) reads as follows—

Is he aware that the amendments to the Workers' Compensation Act currently before State Parliament would involve the gold and nickel mining industry in Kalgoorlie and surrounding areas in an additional insurance cost of \$1,750,000 to \$2,250,000 per year?

The answer to that was "Yes". Part (2) reads as follows—

Has the Government any plans to ease the burden on the industry if this provision becomes law?

The answer to that was "No". The third part of the question relates to another matter, but I believe I should read it to the House. It is as follows—

Does he agree this added cost is a further reason for the Commonwealth to abandon its proposed withdrawal of total tax exemption for gold and partial tax exemption for nickel mining industries and to reinstate the special tax investment allowances so far as they relate to mining and mineral processing?

The answer to that was "Yes".

Mr. Hartrey: That is on the assumption that the Bill is passed.

Mr. O'NEIL: That is right; that is part of the question. The Premier recognised that an additional cost burden would be placed on the nickel and goldmining industries in regard to workers' compensation premiums. This burden would be somewhere between \$1,750,000 and \$2,250,000. I believe the industry came up with a figure of something in the vicinity of \$2,200,000. However, once again using round figures, we can say an additional cost of about \$2,250,000 will have to be borne by these two industries which are covered under special sections of the regulations relating to premium rates. Currently the underground mining industry comprises goldmining, nickel mining, and asbestos mining. Thank goodness we no longer have any asbestos mining in Western Australia and I hope we never do again. However, this means the total burden will be borne by the goldmining and nickel mining industries—the two industries which are believed to be responsible for occurrences of the chest complaint commonly called pneumoconiosis.

We know of course that the only insurance company which handles this business is the State Government Insurance Office. It has the monopoly for this insurance, although I do not believe that is the correct word to use. The S.G.I.O. would dearly love to rid itself of this particular burden. The premium rates in relation to mining diseases I believe are 6 per cent. per annum at present.

Mr. Hartrey: They were very much reduced over many years.

Mr. O'NEIL: That is right; they have certainly been reduced. Some little time ago I asked the Minister for Labour a question in regard to the current condition of the pneumoconiosis fund. He indicated that its condition was parlous. We have not seen the annual S.G.I.O. report yet but it would appear that the deficit in the fund this year will be in the nature of \$600,000 or \$700,000. In other words, the premium income in respect of that fund will be short some \$600,000 or \$700,000 to meet the liabilities of the fund. I know that the fund has been going downhill steadily.

Mr. Hartrey: The deficit must be carried by another section.

Mr. O'NEIL: I agree this is so. The S.G.I.O. has managed to offset some of the deficit in this particular fund by using the surplus in some of the others. However, this cannot go on forever. As a matter of fact, I asked a question whether anyone had made submissions or examined the cost in respect of mining diseases if the provisions in the Bill are implemented. It has been assessed that the insurance premiums in respect of item 483 which covers goldmining, asbestos mining, and nickel mining, currently rated at 6 per cent. of the payroll, will rise to 30 per cent. if the other rates are not touched. This is an increase of some 500 per cent.

Mr. Harman: I did not say it would. I said it would be studied by the Premium Rates Committee.

Mr. O'NEIL: That is right; the Premium Rates Committee will have the authority to make an adjustment. However, we ought to know just what the S.G.I.O. has to say. It has estimated that the additional cost will be about \$2,250,000. It raised the question in a minute which says—

Because of the increase in the maximum liability there will be less claims coming off the current list and this will also have the effect of further increasing the figure. The above matters I have mentioned will also have a marked influence on the rate under Item 483—

That is the mining industry. It continues—  
—and if the liability for these could be assessed then I am sure the rate required to meet the expenditure would be well in excess of 30%.

From 6 per cent. per annum to well in excess of 30 per cent. per annum. The minute goes on to read—

Can those Mining Companies paying premiums under Item 483 meet the new rate of 30%.

And the writer provides the answer to the question as follows—

I do not think they can and as S.G.I.O. have no reserves left in this Fund it is not possible for the Office to subsidise these payments to the extent of \$2m annually.

Mr. Harman: What are you reading?

Mr. O'NEIL: I am quoting from a report of the S.G.I.O. in relation to the pneumoconiosis fund which has been supplied to me.

Mr. Hartrey: What is its date?

Mr. O'NEIL: I do not think it has a date on it.

Mr. Harman: Who produced the report?

Mr. O'NEIL: It is signed by the general manager.

Mr. Hartrey: What is the date?

Mr. O'NEIL: It does not have a date.

Mr. Hartrey: If you can tell us whose signature it carries we may be able to tell you the date.

Mr. O'NEIL: It was signed by the general manager.

Mr. Hartrey: Yes, but what name?

Mr. O'NEIL: No name is given. It is a typed copy. Surely the honourable member does not suggest this information did not come from the S.G.I.O.?

Mr. Hartrey: No.

Mr. O'NEIL: We asked the Minister to supply the information.

Mr. Harman: Was this supplied by the S.G.I.O.?

Mr. O'NEIL: No, it was not. The report goes on to say—

As it is not possible for all this money to come from the one source I suggest we look at the following areas:

- (1) Mining Industry—I suggest a rate increase of 100%, for Item 483.
- (2) State Treasury Subsidy—from say the Mineral Royalties.
- (3) All Employers—to be levied a surcharge on their Workers' Compensation Premium rate.

Mr. Harman: I would be interested to know how you got that report.

Mr. O'NEIL: It came to me through the mail. I get a lot of these.

Mr. Harman: Well, I will find out.

Mr. O'NEIL: Has the Minister seen that report?

Mr. Harman: I do not know.

Mr. O'NEIL: I wish the Minister would suggest to the member for Boulder-Dundas I did not write the report myself. I have asked questions in the House and I did

not need to read from the report to prove my point. If the Minister reads the questions I have asked and the answers I have received in regard to this matter he will see this is so.

Mr. Harman: I read a report some time ago, but I do not know whether this is the one.

Mr. O'NEIL: This came to me through the mail.

Mr. Harman: I am concerned that papers are being sent to you.

Mr. W. A. Manning: Why shouldn't they be sent to him?

Mr. O'NEIL: I thought in a system of open Government the Minister would be quite happy to tell us what the S.G.I.O. had to say about the increased burden being placed on the goldmining industry because of the proposals contained in the measure before us.

Mr. Taylor: You misunderstood the Minister's point. If you had asked for the document, it would have been cabled. That is your right. However, if it has been sent to you surreptitiously through the post—

Mr. O'NEIL: Who said it had been sent to me surreptitiously?

Mr. Taylor: I got that impression from your comments.

Mr. Jones: It has no date and no signature—that is what I cannot understand.

Mr. O'NEIL: I will go back to the question I asked: Has the State Government Insurance Office or any other person carried out an inquiry into the cost of the proposed amendments to the Workers' Compensation Act, particularly in regard to mining diseases? I was the Minister in charge of the S.G.I.O. for six years and that is the type of information I would have sought. I have had the problem of having to make requests for increases in premiums which I and my Government knew the mining industry could not stand. We had to look at ways and means to ensure fair and equitable compensation without increasing premiums drastically.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. O'NEIL: Mr. Speaker, I was interrupted by the necessity of your adjourning the House for the tea break, and I cannot recall precisely what I was saying.

Mr. Harman: You were quoting from one of my reports. You might let me have a look at it.

Mr. O'NEIL: I am sure the Minister has a copy of the report, but I will not continue in that strain. I do, however, want to assure the member for Boulder-Dundas that this is an interim measure. During the course of my remarks the honourable member said it was not intended to be an interim measure. Perhaps the Minister will refer the honourable member to his

second reading speech where prior to discussion on the Bill proper the Minister said—

The Government sees this Bill as an interim measure prior to the eventual absorption of the State compensation system by the national compensation scheme.

Accordingly, no matter what the member for Boulder-Dundas might think it is quite clear that this is proposed as an interim measure.

I want to make a point relevant to the document from which I was reading and to which the Minister referred by way of interjection. I did not get this document from the State Government Insurance Office, but I did get it, together with other mail which was received by me, when representations were being made to me in respect of my comments on the Bill.

Mr. Harman: Do you think it came to you accidentally?

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

Mr. Harman: Would you be prepared to go before an inquiry on this?

Mr. O'NEIL: On what?

Mr. Harman: Into the manner in which this report was received by you.

Mr. O'NEIL: I do not know whether I should be expected to go before an inquiry. The report was sent to me and I do not think there is any need for there to be an inquiry into the matter.

From some of the interjections I understand that it is rather suspected I was not reading from a valid document. I want to make the point that irrespective of what is contained in the report or where it came from, I already had the information provided me by the Minister himself by way of answers to questions that I had asked.

I asked the Minister whether some inquiry had been made by the State Government Insurance Office or anybody else into what the costs would be because having been Minister in charge of the State Government Insurance Office for a considerable time it was always my habit to ask the office for advice whenever any matter came before the Government which related to the costs of insurance. In fact, on the 15th August, 1973, I asked the Minister—and it was the present Minister—the following question—

- (1) Has the State Government Insurance Office or any other party or person been asked to assess the additional premium cost to the mining industry to cater for proposed increases in Workers' Compensation payments (mining diseases)?

I asked this because I felt it must have been done and that surely no Government would suggest doubling the benefits in this area of workers' compensation without inquiry as to the costs involved. Certainly no Minister for Labour would have agreed to such a proposal had he been in fact advised annually, as I was when I was Minister in respect of the pneumoconiosis fund which for years has been of major concern to the State Government Insurance Office. I recommend the Minister read—as he probably has done—the past reports of the State Government Insurance Office, particularly with reference to the pneumoconiosis fund which has been getting smaller and smaller and which has been of major concern to the S.G.I.O.

Mr. T. D. Evans: It has also been of major concern to the workers.

Mr. O'NEIL: That is right. I then asked the Minister—

- (2) What are the present premium rates and what rates are assessed as necessary to cover increased payments in this industry?
- (3) What is the present total premium paid in respect of mining diseases and what would be the amount under the increase assessed to be necessary to cover proposed increases in payments?

The answers to those parts of the question could well have come from the report I have just read.

Mr. Harman: Does this mean that every time you ask me a question on the State Government Insurance Office and I answer it, somebody will send you a confidential report?

Mr. O'NEIL: It is quite unfair of the Minister to say that.

Mr. Harman: It has happened in this case.

Mr. O'NEIL: I do not know whether it is a confidential report. In answer to my question we find the following at page 2717 of *Hansard* for the 15th August, 1973—

- (1) The State Government Insurance Office has reported to me on the additional cost to the mining industry based on the proposed increases in Workers' Compensation payments outlined in the Bill before Parliament at the autumn session. The assessment made was based on benefits of average weekly earnings.

So in fact it was the assessment made in respect of a Bill which contained a \$15,000 limit on workers' compensation and under which weekly payments were based on average weekly earnings and not on the total earnings. We must not forget that the proposal now before us is different from that, because the proposal before us, in

fact, increases quite considerably the payments to be made and, therefore, the assessments given could be well under what the new assessments ought to be. In reply to the second part of my question the Minister said—

(2) The present maximum premium rates are:—

Item 483—Covering gold mining, asbestos mining and nickel mining and not otherwise specified; rated at 6%.

Item 484—Iron mining, ilmenite mining, bauxite mining, tin mining and geological surveys; rated at 2%.

Item 485—Covers clerical, mining industry; rated at 1%.

The survey indicated a rate approximating 30% for Item 483 if the rates charged for Items 484 and 485 remain unaltered.

So in other words if the industry which in fact is responsible for producing mining diseases were to cover the total cost the premium rate would increase by 500 per cent. The next part of my question related to quantum and the Minister's reply was as follows—

(3) The average annual premium collected by the State Government Insurance Office for the past 4 years was \$746,577 for all three items. It is not possible to assess accurately the full impact of the increased benefits on this particular account. However, it is anticipated the annual premium required will be between \$2.5m. and \$3m.

So the information contained in the report about which the Minister is critical is precisely the information the Minister gave me anyway.

Mr. Harman: What I am critical about is that somebody is sending you confidential reports.

Mr. O'NEIL: I suggest the Minister check and see whether this report is confidential.

Mr. Taylor: If the Minister asked you to table the report during question time would you do so?

Mr. O'NEIL: I do not think the Minister can ask me to table anything which I have in my possession.

Mr. Jamieson: He could if you were quoting from it.

Mr. O'NEIL: This is supposed to be open Government.

Sir Charles Court: This is Government with the doors locked.

Mr. O'NEIL: I do not know why the Minister is so sensitive when his office did a perfectly normal thing when it realised

the effect the Government's action would have on the office. This happened on innumerable occasions when I was Minister. I cannot see why a statement of fact as to what certain actions by the Government will cost a Government department can be regarded as a secret and confidential document.

Mr. Bickerton: How do we know it is a statement of fact unless you are prepared to produce the document?

Mr. O'NEIL: Because in answers to questions asked by me the Minister gave me relatively the same information as is contained in the report which was sent to me.

Mr. Bickerton: If you are quoting figures I think you should be prepared to make available the document you have.

Mr. O'NEIL: The figures I quoted from the document are in no way in conflict with the answers given to me by the Minister.

Mr. Harman: I know what your reaction would be were you sitting here as Minister.

Mr. O'NEIL: I am surprised that the Minister should tell me that what I have in my hand is a secret document. It is simply a report from the office to the Minister in answer to a question of the department from him as Minister.

Mr. Bickerton: Are you prepared to table it?

Mr. O'NEIL: Yes.

Mr. Hutchinson: Are you asking for it to be tabled? The Minister has just said it is secret.

The SPEAKER: Order! There is too much talking around the Chamber.

Sir Charles Court: It should be classified as being too secret.

Mr. Jamieson: I can imagine what you would have done; you would have kicked everybody to death.

The SPEAKER: Order!

Mr. O'NEIL: In a letter to me—and this letter is not a secret document—dated the 11th September, 1973, the Chamber of Mines of Western Australia made some pertinent comments relative to the effect that the proposals before us will have on the mining industry, and particularly on the goldmining and the nickel mining industries near Kalgoorlie. Without having made a great deal of research, I am prepared to admit that nickel mining would not be nearly as badly affected as the goldmining industry. Surely the goldmining industry is in enough trouble; and if what the Commonwealth Government has done in removing the tax concessions to the mining industry will kill it, then the Bill before us will bury it. Not even the member for Boulder-Dundas

will be prepared to say that the few gold-mines which are now operating will be able to bear the additional cost burden of \$2,500,000 a year; and that is what the Bill before us will impose on this industry.

Certainly it is not the opinion of the State Government Insurance Office, which handles all the insurance of the mining industry, that the goldmining industry is able to carry this burden. It would know that, and I as a former Minister for Labour would also know that from a reading of the reports and the considerations of the Premium Rates Committee.

Let us see what the mining industry has to say about this matter. In this respect I quote from the letter addressed to me dated the 11th September—

The increase in premium to \$30 will mean an additional premium of \$2,200,000 per annum.

It is not equitable for the premium on Item 484 Iron Mining, Ilmenite Mining, Bauxite Mining, Tin Mining to be increased. These are surface mining operations and as yet there is no evidence of pneumoconiosis in their employees.

Mr. Hartrey: There will be.

Mr. O'NEIL: To continue with the letter—

Evidence from mining centres in other parts of the world with many years of open cast iron ore mining operations is to the effect that there have been no cases of industrial disease affecting the lungs of iron ore workers.

Mr. Hartrey: Any number of cases in Pennsylvania.

Mr. O'NEIL: Perhaps the honourable member will give us facts and figures in that regard. However, the Western Australian Chamber of Mines has advised me, and to the best of my knowledge as a former Minister for Labour who has had discussions with the State Government Insurance Office, I know of no case where pneumoconiosis can be pinpointed as having occurred in open-cast iron ore mining.

Mr. Hartrey: The publications of four eminent mining experts in 1947 dilate upon the incidence of pneumoconiosis.

Mr. O'NEIL: If the honourable member will give us facts and figures I shall certainly be interested to hear them. To the best of my knowledge, and from my discussions with the State Government Insurance Office in respect of the premiums for this disease, there is no known case. In certain discussions with the State Insurance Office we looked at the proposition of trying to do something to protect the pneumoconiosis fund, and we attempted to find ways and means to make sure there was enough money in that fund to meet the contingent liability. As the member for

Boulder-Dundas and the present Minister for Labour will know, in this field there are many self-insurers. In fact, they undertake to pay the current rates of workers' compensation in respect of certain injuries; but I imagine that in the event of one case of pneumoconiosis occurring in an open-cast mine they would immediately insure with the State Insurance Office, so that the latter would have to carry the burden of meeting the liability from this disease without receiving over a period of time the contributions made as premiums.

Mr. Hartrey: In that type of mine it would take at least 20 years to track down a compensable case.

Mr. O'NEIL: To continue with the letter—

The Bill if passed will result in the four gold mining companies (Kalgoorlie Lake View, North Kalgoorlie, Central Norseman and Hill 50 Gold Mines) and the three nickel companies (Western Mining Corporation, Great Boulder and Metals Exploration) being called upon to meet the major portion of the \$2,200,000 as they are the major employers of labour involved in this industrial disease risk.

Mr. Hartrey: It does not follow that we have to keep on doing that.

Mr. O'NEIL: The Minister ought to indicate to us what the Government proposes to do in respect of the premiums to be charged, so as to meet this additional burden. He ought to state clearly what he intends to do. To continue with the letter—

Two or three additional nickel producers scheduled to begin production in the next 6 to 18 months will also be called upon to pay the \$30 premium.

The combined effect of the Commonwealth budget, the revaluation of the Australian currency on the 9th September, the increase in premium together with the distinct possibility that the amendments will result in workers leaving the industry as soon as they have a percentage disablement will cause gold mining companies to re-examine their plans for the future. The companies are endeavouring to redevelop and rehabilitate their properties following their improved financial position from the open market price of gold.

A further effect on the Bill is that industrial disease sufferers will be entitled to full compensation at average earnings irrespective of their age and the payments will continue until death. It is suggested that some limit be placed on the weekly payments either by restoring the section 8 (14)

so that payments are limited, or by reducing payments where claimants are eligible for old age pensions.

I do not know whether the Government intends to impose some limit even on the excessive amounts which have been proposed, because a person who has received workers' compensation will be entitled to receive these payments until he dies, whether it be at 90 or even 98 years of age.

Mr. Hartrey: Workers who suffer from this disease do not live until they are 90 years of age. They are more likely to die at 50 years of age.

Mr. O'NEIL: I do not know whether or not this has been done on purpose, but there seems to be no limit on the period of time during which a person, who is totally incapacitated, may receive these workers' compensation payments.

I shall now refer to the Bill itself. I have simply spoken in general terms. However before dealing with the Bill I want to make this point once again: Little by little—and no Government can be absolved from blame in this respect—the concept of workers' compensation under the Workers' Compensation Act has changed. In essence, workers' compensation is designed to cater for the loss of earning capacity.

Mr. Jones: Does it do that? The question I raise is this: Does it do that adequately?

Mr. O'NEIL: In the second question the honourable member included the word "adequately".

Mr. Jones: How would an incapacitated worker and his family get on under the existing Act?

Mr. O'NEIL: Let us accept that today, as distinct from 12 months ago, the provisions of the present Act are not adequate to meet the requirements. It has been the custom of every Government to bring a Bill before Parliament to update the provisions of the Act, when necessary. What I am saying is that the Act has gone much further than the purpose of compensation for the loss of earning capacity; it has become a major piece of social legislation.

There are many aspects or principles contained in the Bill which do not bear even the slightest resemblance to workers' compensation; for example, the compensation in respect of clothing, torn clothing, or tools of trade. This is not workers' compensation.

Mr. Hartrey: These things should be included in industrial awards.

Mr. O'NEIL: I agree there are industrial awards which contain provisions for tool allowances and the like, and which cater for the equipment that the worker must use, including his clothing. The Workers' Compensation Act is no place for such provisions.

I would indicate to the Minister that although I have been able to spend some time in looking at the Bill, I have not had enough time to prepare amendments in the appropriate form to enable them to be placed on the notice paper. If time is available to me tomorrow I shall at least have them typed and supplied to the Minister, but because of the system that prevails they will not appear on the notice paper before next Thursday.

I propose to go through the Bill clause by clause, as the Minister has done. He spent very little time on the clauses, but he did devote about three pages of his notes to references to malingering. We do not say that all workers are malingeringers, so I do not know why he spent so much time pushing the point. We on this side of the House believe that the Australian worker is a decent type who wants to work and earn money. We believe he does not want to earn money under false pretences by malingering; so, for what reason the Minister spent so much time in quoting from a sociologist's document on malingering I do not know. If he imagines that we on this side of the House think all workers are malingeringers, then he is sadly mistaken.

In other respects the Minister dealt generally with the various clauses in the Bill, but I want to go into them in some greater detail. Clause 2 simply seeks to repeal certain sections of the Act and the reference to the basic wage. The basic wage is, in fact, the one amount in the legislation which is adjustable. A considerable number of payments are adjusted, so one needs to be careful in reading the Workers' Compensation Act and the figures appearing therein, because they are adjusted in accordance with movements of the basic wage. I refer to such things as the maximum payments for death, payments to dependent children, weekly payments, medical expenses, funeral expenses, and the like. All these payments are adjusted in accordance with movements in the basic wage. For example, the maximum payment, other than for death, at the 8th June, 1972, was \$12,076; and after the 8th June, 1973, it was \$13,136. So, we can see there has been a fairly substantial increase in respect of that payment, and a similar sort of increase has been applied to other payments.

The repeal of the sections simply makes provision for the insertion of a factor called the "prescribed amount". I have already indicated we do not disagree with the principle of writing a prescribed amount into the Workers' Compensation Act and relating other kinds of payments to that prescribed amount as a percentage, because in this way we will obviate the necessity of having to come before Parliament every so often to make adjustments to the quantum of payments in various fields. However, we do not think the

Government is being realistic in setting the prescribed amount in the way it has. It is a multiple of average weekly earnings throughout Australia, and, in fact, this puts Western Australia—which is fifth in the economy status of the nation—in a position which is far above that of the other States.

We would propose that in adopting the principle of a prescribed amount, a much more equitable way to do so would be to have a prescribed amount based on the average weekly payments of the other five States. I propose, during the passage of the Bill, to endeavour to achieve that kind of amendment. In my view that would be fair and reasonable and it would, in fact, result in increasing the current maximum by a figure which I will be able to quote a little later.

The principle, generally, is that rather than the prescribed amount being based on the average weekly earnings throughout Australia it be based on the average of the maximum of the weekly payments now payable under workers' compensation Acts in the other five States of the Commonwealth.

Clause 3 is rather unusual in that quite a deal of it is taken up in making provision for a clergyman of the Church of England to be classed as a worker for the purposes of workers' compensation.

Mr. Jones: Do you not think he is a worker?

Mr. O'NEIL: I do not object to the provision at all, but why specifically mention a clergyman of the Church of England and then go through some complicated legal jargon so that any other clergyman, by application, can be prescribed as a worker? Why not make the provision general and not refer specifically to a clergyman from the Church of England—not that I have anything against that particular church?

Mr. Hartrey: It could be that small congregations could not afford to pay compensation.

Mr. O'NEIL: The reason is, as the Minister has said, that the Church of England requested the Premier so to do. Having covered a clergyman from the Church of England, a dragnet provision was included. However, I think it could have been done more sensibly but we do not object to the principle in any way.

Mr. Harman: What about the definition of a widow?

Mr. O'NEIL: I do not know that I have reached that paragraph yet. I am trying to go through the Bill as the different matters appear.

Mr. Harman: The definition is included in clause 3.

Mr. O'NEIL: Paragraph (e) will insert a new interpretation of "prescribed amount". We do not disagree with the principle but we would certainly like to see the prescribed amount based upon the average weekly payments currently payable. That amount would then, of course, be adjusted as the weekly payments in other States varied. In addition, there would be the effect of additional movements by virtue of movements in the basic wage.

Paragraph (c) of clause 3 will delete reference to the earnings of a worker. Currently, a dependant is a person dependent upon the earnings of a worker. It is proposed to delete the words "the earnings of". The provision will then read, "dependent on the worker".

A person can be dependent upon another person in many ways. It could be a person who lives with the worker, such as an unemployed son or daughter perhaps receiving social service benefits. Because that son or daughter is unemployed he or she is dependent upon the worker. Currently, the dependant must be dependent upon the earnings of the worker and, therefore, adversely affected if the worker is unable to earn full wages. The Government proposes to include any person who can establish some dependency on the injured worker. I would like the Minister to explain the reason for this kind of amendment.

Mr. Hartrey: It is actually unnecessary. A reported case in England about 1940 held that where a man who was earning wages and also receiving income from a business was killed, compensation should be paid to his dependent family on the basis that receipts from both sources were "the earnings of the worker at the time of his death".

Mr. O'NEIL: The honourable member could well be right. The interjection that this provision was probably not necessary indicates that some deeper examination of this legislation should have taken place.

The Minister has indicated that the proposed amendments have come from the industrial committee of the Australian Labor Party, from the T.L.C., and some from the Workers' Compensation Board. He has not stated which amendments came from which particular group, but I think I can quite clearly identify those which came from the industrial committee of the Labor Party.

Mr. Jones: The amendments which you rejected previously? Is the Deputy Leader of the Opposition aware of those amendments?

Mr. O'NEIL: I am not too sure that I am aware of them, but I can see the writing of one honourable member in the wording of many of the amendments, particularly in relation to mining diseases. One

has only to have some knowledge of the cases he has handled to see quite clearly where the ideas came from.

Mr. Jones: What about industrial deafness; I think the honourable member is aware of that disease?

Mr. O'NEIL: I will get onto industrial deafness also, because I think that matter deserves some further explanation. There are other matters related to deafness.

It is intended to include an interpretation, "Disabled from earning full wages", which will include disability due to industrial disease. I ask the Minister: Does this mean that if a worker is, in fact, less able to earn wages in a particular industry, but quite able to earn similar wages in another industry, he will be compensated at his full rate of earnings for the rest of his life?

Mr. Hartrey: No, it does not mean that. The State Government Insurance Office states that if a man is incapable of earning his full wages in the mining industry, but he is capable of earning full wages in a less remunerative occupation he is, in fact, "earning full wages".

Mr. O'NEIL: That provision did not appear in the 1972 Bill so I am quite curious to find out what happened in the meantime.

Mr. Hartrey: I did not have much to say about the 1972 Bill.

Mr. O'NEIL: I thank the honourable member for identifying the person most concerned with this Bill!

Mr. May: That is no secret.

Mr. Hartrey: The full wage of an ice-cream vendor is not the same as that of a miner, so such a wage would not be interpreted as, "full wages" under this Act.

Mr. O'NEIL: What is being said, in fact, is that if a machine miner who is probably capable of earning \$220 or \$240 a week is disabled with pneumoconiosis he will receive full wages?

Mr. Hartrey: If such a man received the full wages of a labourer working on the roadside, that would not be the full wage of a machine miner.

Mr. O'NEIL: It has been stated quite clearly that the Government proposes to compensate each individual worker at the level of wages which includes overtime and other payments. The Minister made that point. There will be no relationship to the average weekly earnings, but the total amount of money the injured worker was receiving, including overtime, etc. The payments will not be limited to the ordinary weekly earnings based on 40 hours, as set out in the present legislation. There is no indication of any limitation of time during which an injured worker may receive these weekly earnings.

The situation could arise where a person capable of earning \$200 a week could go on receiving weekly payments at that full rate for a considerable time, or for the rest of his life. That is what the Bill provides. However, I would like the Minister, or the member for Boulder-Dundas, to assure me that it does not do that.

The Minister admitted that the proposal virtually doubles the payments under the Act right across the board. There are some minor variations. I do not like harping on this matter, but there will be a 120 per cent. increase across the board. I will again quote from the Minister's speech where he quite clearly stated—

The Government sees this Bill as an interim measure prior to the eventual absorption of the State compensation system by the proposed national compensation scheme.

I have already indicated that the proposed national compensation scheme does not go anywhere near as far as this present Bill.

Mr. Harman: The honourable member does not know that; he is guessing, based on the New Zealand Act.

Mr. O'NEIL: I am not guessing; I think I read some statements made by Mr. Justice Woodhouse to that effect. Let us assume, and only for the sake of argument, that this Government happens to be in office next year and that the Commonwealth Government might still be in office and it introduces a national compensation scheme. What will happen then? Will the Government suddenly state that every worker in Western Australia will have his benefits more than halved because this is an interim measure? I just wonder what position the Government will find itself in.

The Bill contains a provision regarding *de facto* relationships. In fact, whilst I was Minister for Labour the point was made that where there was a bona fide *de facto* relationship the *de facto* spouse would be regarded as a true spouse. I think that is a fair and reasonable proposition, but the relationship has to be bona fide. In fact, we used the qualification which is generally accepted; that the relationship had to be over a period of three years. In New South Wales there is a qualification of three years' residence, and the provision in that State also covers ex-nuptial children. In Victoria the legislation provides for persons maintained, or any person dependent upon the worker, and ex-nuptial children are also covered.

Mr. Hartrey: We have always covered ex-nuptial children.

Mr. O'NEIL: The South Australian legislation covers a *de facto* wife living with the worker and ex-nuptial children. Ex-nuptial children are also covered under the Tasmanian legislation.

The provision in the A.C.T. is the same as that for New South Wales, but for some reason the *de facto* wife must be not less than 50 years of age or must be maintaining one or more children under 16.

I wonder why the Minister now proposes to make some alteration in this matter concerning a widow or a wife. Perhaps it is because of an action that has been taken in respect of dependent children which was discovered to be *ultra vires* the Act and which might be challenged. Perhaps the provision has been altered on request, but I think the Minister should enlarge upon some of these matters before we move into Committee.

I want to speak about the journeying provisions. It was our Government which first made provision for journeying to and from work. I think I mentioned before that when I first became a member of Parliament Mr. Bill Hegney, who was then sitting on the Opposition side, repeatedly put a motion before the Chamber requesting that a certain number of alterations be made to the Workers' Compensation Act. I was rather pleased that in the year he finally retired from Parliament he no longer found it necessary to move such a motion because, as Minister for Labour, I had managed to cater for most of the points he had raised. I robbed him of his hardy annual but I do not think he objected to that.

One of those provisions covered a worker when travelling between his place of residence, the place of residence provided by the employer, or the place where he had to live by virtue of his occupation, and his place of work. I think that was fair and reasonable. There was a proviso—which I think applies in a number of other Acts—that the worker should make that journey by the most expeditious means, and that if he tarried at a wayside inn and, as a result, suffered an injury his compensation could be in question.

Mr. Hartrey: That is still in the Act.

Mr. O'NEIL: That is right. So, generally speaking, the worker is covered when travelling between his place of residence or the place of residence provided for him by his employer and his place of work. The Bill now before us proposes to extend the provisions to the occasional and casual journey of the worker between his true place of residence and the place of residence provided by his employer. I do not think that is fair and reasonable.

Mr. Hartrey: Why not? You are a fair-minded man.

Mr. O'NEIL: If a worker is provided with accommodation by his employer as part of his contract of service with that employer, it is fair enough that he should be covered when travelling between that place and his place of work. But if he

wants to travel privately between that place of residence and the place where he actually lives, it should not be the employer's responsibility to insure him for that journey.

Mr. Hartrey: Let me put it this way: If it is an incident of his employment that the place where his employer accommodates him is a long way from where his wife and family live, is it not reasonable that he should go to see his wife and family and that that journey should be considered as being incidental to his employment?

Mr. O'NEIL: It is reasonable that he should want to go to see his wife and family; but is it reasonable that his employer should be put to expense because the worker wants to go?

Mr. Hartrey: Yes.

Mr. O'NEIL: I cannot agree with that contention. Firstly, if it is provided that he must make that journey by the most expeditious means and without deviation, there still remains the fact that if he is travelling by public transport, for example, he is insured against any injury which occurs in that public transport.

Mr. Hartrey: Yes, in which case he will sue.

Mr. O'NEIL: If he is travelling in his own transport, he is probably covered by third party insurance. If he has to walk and the distance is 200 miles, he will not go home.

Mr. Hartrey: That is for sure.

Mr. O'NEIL: Then what is the purpose in extending the provision to cover the journey between his real place of residence and the place of residence provided by his employer, and making the employer pay for it?

Mr. Hartrey: Because there are certain hazards on the road which are not covered by insurance. One's car could run off the road and hit a tree, but unless one were personally insured one would not get any compensation at all.

Mr. O'NEIL: I do not think it is fair that an employer should be put to some expense for a journey which, although compassionately necessary, is not really necessary. Under the proposed national compensation scheme the gentleman would be covered for 80 per cent. of his average weekly earnings and no more, and I understand his rights at common law will be expunged anyway. That is an additional provision with which we do not propose to agree. Quite a number of the provisions in clause 4 relate to journeying, and we can deal with them in more detail in the Committee stage.

Mr. Jones: It seems to me you do not agree with very much in the Bill.

Mr. O'NEIL: We were told this was an interim measure, and we felt the Government had every right to update the workers' compensation provisions in respect of quantum. That would be fair and reasonable. We do not believe what the Government has done is fair and reasonable and we will propose an alternative to ensure that the Western Australian provisions are as good as the average of all the States. For years, that has been the general proposition upon which workers' compensation has been adjusted in every State.

I am sure every member has received and knows about the publication *The Conspectus of Workers' Compensation in Australia, Papua and New Guinea*, which is produced by the Federal Department of Labour and National Service. It gives a comparison of the workers' compensation provisions in every State of Australia. When adjustments have been made to workers' compensation payments, this document has been used in order to ensure that no State becomes too far out of step.

I think our proposition in respect of a new formula for "prescribed amount" is fair and reasonable and can be regarded as interim. For some reason, clause 4 of the Bill deletes the reference to the left hand and right hand of a worker. Currently, if a worker is unfortunate enough to lose a limb or a finger, the compensation payable differs between the left hand and the right hand. The Act also contains a provision that where a person is left-handed the rate for the hand most used is paid—once again, on the basis of loss of earning capacity. It is proposed—whether for simplification or for purely compassionate reasons, rather than compensation reasons—that this differentiation will now disappear. I cannot see any basic reason for it because—

Mr. Bickerton: We have tried to get a bit further to the left.

Mr. O'NEIL: —once again the principle of compensation for loss of earning capacity has been destroyed.

Although, as I have said, I am not using quantum precisely as an argument, when one looks at the compensation payable under the proposed new system it is significant that the compensation for the loss of a hand will be 80 per cent. of the prescribed amount, and the amount for the loss will be \$20,800. At present the amount is \$8,705, so the increase is 150 per cent. I mentioned earlier that right across the board the average increase is 120 per cent. Here is one item for which the increase is a little greater. I refer to it only to indicate in general terms what the proposed increases are, and I do not believe they are fair and reasonable.

I now come to compensation for noise-induced hearing loss, which will be paid if the injury occurred immediately before

notice of it unless it is one for which compensation has previously been paid. For many years this matter has vexed people operating compensation schemes. If a person loses hearing as a result of an industrial accident, it is compensable. If a worker is injured by a piece of falling timber and as a result his hearing is diminished, it is a compensable injury. We are now proposing that a person who loses hearing because of noise will be compensated.

This provision will create more problems than enough. We have passed a measure called the Noise Abatement Bill, which has not yet been proclaimed. The Minister is experiencing extreme difficulty in getting that legislation to function, because it is very difficult to determine noise levels which have an injurious effect. Noises can be annoying because of their pitch or their volume, and it is extremely difficult to determine which noise is aggravating and which is not. The noise made by bands at some of the balls I have had to go to annoys me no end but 99.9 per cent. of the people at the balls seemed to be having the time of their lives. So it is extremely difficult to determine which "noisy noise annoys an oyster most".

It is true that exposure to excessive noise can induce loss of hearing, but does it reduce a person's earning capacity? Once again, compensation for such a loss is a departure from the basic philosophy of workers' compensation.

Under some workers' compensation Acts there is provision for compensation for the social disability of loss of hearing caused by noise. In some cases, such compensation is payable after the worker retires. It is proposed in the Bill under consideration that the moment a worker's hearing is slightly reduced he will be compensated for it.

This raises many problems. Will every factory have to be totally sound-proofed so that there is no extraneous noise coming into the factory to affect a worker's hearing? Will it be necessary to measure every worker's percentage of hearing when he is engaged and periodically measure it again to ascertain whether any hearing loss has occurred? What about the fellow who plays in one of those bands which annoy me at balls? How will we assess the percentage of his hearing loss which is due to his sporting occupation in the band and the percentage which is due to his work?

Mr. Hartrey: It will all be produced in evidence before the tribunal when he claims.

Mr. O'NEIL: I do not know about that; the Bill simply says that a person who suffers noise-induced hearing loss will be compensated for it.

Mr. Hartrey: What happens today if a man has an accident—say as a result of a premature explosion in a mine—and

then claims for loss of hearing and the insurance company will not pay it? The Workers' Compensation Board has to determine whether or not it should pay.

Mr. O'NEIL: In that case it could be clearly pointed out that the loss of hearing was caused by an injury.

Mr. Hartrey: No, one has first of all to prove that there is a loss of hearing.

Mr. O'NEIL: I still think in such a case it would be fairly clear that the fellow had been close to an explosion and, therefore, it would be fair to assume that his hearing had been reduced as a result of the explosion.

Mr. Hartrey: But on the other hand his employer could say he has been playing in a dance band for six months and nearly driving everyone else mad.

Mr. O'NEIL: That brings me back to my point: must a worker have his hearing measured every week?

Mr. Hartrey: It does not mean that today. The tribunal does not decide that, even in the case of traumatic deafness.

Mr. Bickerton: All you have to do is stand him next to a dance band, and if he bleeds his hearing is okay.

Mr. O'NEIL: Many people lose some hearing capacity as a result of age. I would say that most people of 65 years of age cannot hear as well as they could when they were 35 years old.

Mr. Bickerton: I can hear you perfectly well.

Mr. O'NEIL: That is right; but wait until the Minister is 65. Is a natural loss of hearing capacity to become a compensable injury to be paid for by the employer? I have heard some great ideas about this. Recently I received a letter from the Association for Better Hearing, which made all sorts of appeals to us not to be cruel and object to this provision. But, seriously, how can this provision operate? I do not think any workers' compensation legislation yet has been able effectively to cover social disabilities.

Mr. Hartrey: It is not a social disability; it is an industrial disability. You try working in a mine when you cannot hear and you cannot see because there is no light.

Mr. O'NEIL: It may well be that in most cases a person with reduced hearing capacity would be more of a danger to his fellow workers than to himself. In that case, should not the fellow workers be subject to better compensation provisions than those applying to the man who creates the risk? This provision contains all sorts of complications and I certainly do not think we should see it in the Workers' Compensation Act.

Mr. Hartrey: I am sorry, I cannot agree with you there.

Mr. O'NEIL: That is my opinion; we will wait and see what will happen.

Mr. Jones: If a man is working down a mine and is adjacent to a blower—and they are terribly noisy—surely he is entitled to some compensation if his hearing is affected.

Mr. O'NEIL: Well, what about sitting down and trying to work out the circumstances under which noise-induced hearing loss shall be a compensable injury?

Mr. Hartrey: The noise in the Kalgoolie power house, which is operated by the local authority, is absolutely fearful. A man working in that environment would almost go crazy.

Mr. O'NEIL: It is not beyond the realms of possibility that certain people who have reduced hearing capacity may hear better in noisy circumstances. I know one such person who hears much more acutely when there is a great deal of noise, because he has an artificial environment created within his ears which enables him to hear more acutely. I think talking about this subject is a bit like talking about the Dog Act; everybody knows something about it, but nobody knows how to measure the problem and to compensate those concerned. It is fair enough that in other pieces of social legislation there should be compensation for such a disability, but why include it in the Workers' Compensation Act?

The member for Boulder-Dundas has admitted that the proposal of the Government in respect of damage to tools and clothing should have no place in the Workers' Compensation Act, but should be included in industrial awards and agreements.

Mr. Hartrey: That is so, but surely hearing loss due to noise has a place in a compensation Act.

Mr. O'NEIL: That is a matter upon which we will have to differ until someone can tell me how we are going to cater accurately for this provision. I can see no point in having the provision in the Act if it is going to create a bonanza of argument before the Workers' Compensation Board. Although the member for Boulder-Dundas indicates some difficulty is involved, it is quite clear that if loss of hearing is occasioned by industrial injury or accident, then it should be compensable; but how one estimates what percentage of hearing loss is due to the noise surrounding a man at his place of work, I do not know.

A particular matter in respect of clause 6 which I would like the Minister to clarify is the proposal to change the word "Where" to "Whenever" where it appears in line 1 of section 8(1c).

Mr. Hartrey: That is easy.

Mr. O'NEIL: I wonder whether there is any hidden significance in this amendment. The word "where" usually refers to place, and the word "when" is an adverb of time. Quite frequently one reads that where a certain set of circumstances occur, then something else follows; and in that case the word "where" has really the same meaning as the word "when". However, I wonder why there is a necessity for this amendment.

Mr. Hartrey: I have always been of the opinion that the word "Where" at the commencement of section 8(1c) meant "Whenever"; but the Workers' Compensation Board has issued a form which says that only where the first disablement occurs after the passing of the 1964 Act is compensation payable in respect of pneumoconiosis.

Mr. O'NEIL: I said earlier—and the member for Boulder-Dundas confirmed it then, and he has now confirmed it again—that a considerable number of amendments before us can be clearly identified as essentially problems the honourable member has encountered in establishing claims on behalf of clients. I wonder whether this is adequate consideration when presenting what are purported to be interim amendments to the Workers' Compensation Act.

Mr. Hartrey: Who is the most competent person to amend the Act? Why not a person who has had 35 years' experience of its effects?

Mr. O'NEIL: I suggest that the honourable member might do a good job as Minister for Labour. If he were the Minister he might be partially on the side of the State Government Insurance Office, which has the burden of paying for the diseases of the people in his constituency.

Mr. Hartrey: No, I think I would be—

The SPEAKER: Order! I think the member for Boulder-Dundas should make his speech later.

Mr. O'NEIL: I think he is doing very well now, Mr. Speaker. The Bill also contains a provision to alter the composition of the Miners Medical Board. I would like more explanation of this. I think once again we can see behind this amendment the thinking of the member for Boulder-Dundas. As I understand it, the board presently consists of the Mines Medical Officer—

The SPEAKER: I must ask members to be more quiet. The Hansard reporter is experiencing difficulty in hearing.

Mr. O'NEIL: —and two other officers of the Public Health Department, one of whom is a specialist in diseases of the chest. In other words, the members are specifically nominated in the Act.

Mr. Hartrey: And they are all Government employees.

Mr. O'NEIL: That is right. It is now proposed that the board shall be created in a different manner. It will be created from a panel of names. The chairman will be a chest specialist selected by lot from a panel of chest specialists furnished to the Workers' Compensation Board by the Medical Board; and then we are to have a member nominated by the worker from the panel, and an employers' nominee who can be the Mines Medical Officer, a physician of the Department of Public Health who specialises in diseases of the chest, or a member of the panel. So the only group which may nominate a Government officer comprises the employers.

Mr. Hartrey: Yes, because the employers are the S.G.I.O., which is a Government department. So it is fair enough.

Mr. O'NEIL: Yes, I suppose for the purposes of the Act the S.G.I.O. is virtually the employer. To the best of my knowledge no major problems have been encountered in the operation of the board.

Mr. Hartrey: That is what you think. You don't work in the mines.

Mr. O'NEIL: Nor do I have to appear before the Workers' Compensation Board. However, I think the Minister should give us more explanation of this provision. The clause also contains reference to the capacity to have a member of the Miners Medical Board disqualified. I would like the Minister to enlarge upon that.

Mr. Hartrey: Where does it say that?

Mr. O'NEIL: It states that no member of the board shall be disqualified simply by virtue of the fact that he has previously reported on the worker.

Mr. Hartrey: It does not say that he shall be disqualified.

Mr. O'NEIL: No, but it implies that it is possible for a member to be disqualified.

Mr. Hartrey: No, it does not say that at all.

Mr. O'NEIL: Where is there provision for a member to be disqualified?

Mr. Hartrey: I did not say there was such a provision.

Mr. O'NEIL: Well, why say that a person cannot be disqualified if there is no provision to disqualify him?

Mr. Hartrey: I will explain that to you presently.

Mr. O'NEIL: The point is that it says a person shall not be disqualified by virtue of certain circumstances.

Mr. Hartrey: The Speaker reminded me a while ago that I may make a speech later. I will explain it to you then.

Mr. O'NEIL: I cannot see how we can say that a person cannot be disqualified when there is no provision for disqualifying him, anyway.

Mr. Hartrey: Because in ordinary common sense a man cannot be both judge and jury.

Mr. O'NEIL: Well, I will leave that point to be explained by either the Minister or the member for Boulder-Dundas.

Sir Charles Court: I can see we are going to have two speeches in reply to this debate.

Mr. O'NEIL: I think we need more explanation of this Bill. I am not being over-critical, but I feel there is little point in the Minister getting up and saying, "Clause 2 does so-and-so." I think the Minister for Health and the member for Mt. Hawthorn when on this side of the House frequently indicated that such an explanation is just not good enough. If it is proposed to make an amendment the precise reason should be given. However, too often do we see, "Clause 2 does so-and-so" without any explanation. I think it is our function to obtain an explanation from the Minister.

Clause 6 (d) repeals section 8 (13) of the Act. If that subsection is deleted an employer will be liable for full compensation for a partial disability from pneumoconiosis where it is associated with another condition of the chest.

Mr. Hartrey: Not merely another condition of the chest.

Mr. O'NEIL: That is right; it may be any other condition at all. Once again, I am sure this amendment must be of considerable concern to the employer who, as the member for Boulder-Dundas said, is the State Government Insurance Office. That office must be concerned about this provision because if a worker is suffering from pneumoconiosis and also suffering from, say, bronchitis, he will be entitled to full compensation.

I must admit, of course, that the Bill contains a provision which lays down the questions which should be asked by the new Miners Medical Board; and these are questions which I understand are now contained in the regulations under the Act under which the Miners Medical Board operates.

Mr. Hartrey: They are not there; they are only on a form.

Mr. O'NEIL: Right. In the proposed amendments to the Act there is no provision for the board to report on the degree of disability the worker suffers. It must now be assumed that a mineworker who suffers from pneumoconiosis will, in fact, be regarded as being totally incapacitated and he will receive full compensation anyway. I still think that is unreasonable. It would be fair if a worker suffered a disease occasioned by his work and was compensated for that particular ailment, but he should certainly not be compensated if his disease is associated with another ail-

ment which is not work caused. In all probability we would not care to agree to that proposition.

Section 8 (14) of the same Act will be repealed by this Bill and currently this subsection establishes the limit of payment to a worker suffering from an industrial disease. This is certainly unreasonable because if the board removed the limit from the industrial disease, under the total concept of the Bill the worker would receive his ordinary weekly earnings, including all allowances for overtime, for life. Is that a fair and reasonable proposition? I believe this needs to be looked at far more closely than it has been.

It may well be that under the provision for the increased payment proposed by this Bill the worker will be compensated to a greater degree, but there ought to be some limit placed upon it, and it should not be paid to the worker for life. I am certain the Government did not have that in mind when the Bill was drafted. Many of these amendments can be dealt with more closely in Committee, but there are those which deal with mine diseases far more so than others. Clause 7 of the Bill seeks to add a new section to provide for compensation for heart attacks and strokes that occur on the job, and to place the onus of proof upon the employer. This is an extremely difficult provision.

Mr. Hartrey: We are trying to make it more simple.

Mr. O'NEIL: Supposing a worker suffers from a stroke or heart attack, irrespective of whether he has any previous history of heart trouble the employer will be obliged to pay that worker compensation in the same way as if it were an industrial accident.

Mr. Hartrey: Where does it say that?

Mr. O'NEIL: I do not have a copy of the Act with me at the moment so that I may compare the relevant section with the clause in the Bill.

Mr. Hartrey: It is a good idea to have a look at it before you speak on it.

Mr. O'NEIL: I do not think that is fair comment. I have only two hands and I am indicating that we do not think it is fair and proper. Perhaps the member for Boulder-Dundas or the Minister may care to explain it a little more fully at a later stage. This is what the Minister had to say about clause 7 in his second reading speech on the Bill—

It is often difficult for a worker who suffers a cardiovascular or cerebrovascular "accident" due to activities performed during his employment, to prove the occurrence was work-caused. The proposed section 8B seeks to remedy this deficiency in the current Act.

There is no major explanation about this clause whatsoever and I think the Minister should supply us with more detail on it because it would appear to us that if a person is stroke prone or heart attack prone—and I am not saying he would have a heart attack on purpose—and he was at work when he had the heart attack it must be regarded as an industrially-caused accident. I do not think that is fair and reasonable and I would need a great deal more explanation before I could accept that sort of proposition.

A provision in clause 8 refers to the miner who has been declared to be silicotic under the Mine Workers' Relief Act. There is no reference to silicosis now in the Workers' Compensation Act, because the more modern term of pneumoconiosis is used, but I would like some further explanation of that provision. My understanding of the amendment is that a person who receives a certificate will get full compensation whether or not he works elsewhere. This would remove any necessity for him to work, especially if the prescribed amount is indicated and the limit is taken off weekly payments.

As I understand the position, the silicotic miner receives a certificate from the Mines Medical Officer under the Mine Workers' Relief Act which indicates he is suffering a degree of silicosis and that in the circumstances he must leave the industry.

Mr. Hartrey: If you are referring to proposed new section 8C contained in clause 7, that is only a re-enactment of what was in the old Mine Workers' Relief Act for many years.

Mr. O'NEIL: Is it still in that Act?

Mr. Hartrey: It was from 1932 to 1962.

Mr. O'NEIL: I wish the Minister had given more explanation of this provision. It appears to me that once a silicotic miner is issued with the appropriate certificate which advises him to leave the industry, under this provision he is regarded as being totally compensable and he will receive compensation for life.

Mr. Hartrey: That was the law from 1932 onwards.

Mr. O'NEIL: Once again I do not know how this Act is designed to cater for loss of earning capacity. It is paid for by employers through an insurance organisation. There must be some way of measuring the contingent liability upon the fund in order to determine the premiums, but this Act has had such a switch in concept that the only insurance office that handles the premiums in respect of this disease is having extreme difficulty in obtaining enough money to pay the liability. This has been reported upon time after time. I think this is a little like killing the goose that laid the golden egg, or, in this case the leaden egg, because if the industry is burdened too much with the payment of

compensation there will be no occupations in the industry for workers to fill. It is significant that if the Government does not come to the party and meet some of the major liabilities imposed on the industry by this Bill there will be some real trouble. This measure will cost the gold-mining industry and the nickel industry \$2,500,000 a year.

Mr. Hartrey: Why do you say that?

Mr. O'NEIL: The State Government Insurance Office says that, and the Minister said that in his answers to my questions.

Mr. Hartrey: I have heard no information that the State Government Insurance Office has made that statement.

Mr. O'NEIL: I think we would be doing the Government a great service if we discharged this Bill from the notice paper in order that it may be thoroughly examined. It is all right to have this measure produced by a number of "do-gooders" and for them to say it is a fair and reasonable proposition, but somebody has to pay the piper. As I mentioned before, the Commonwealth Government, by virtue of its action in respect of the goldmining industry, has killed that industry and this measure will give it an indecent burial. There can be no denying that.

There is also the matter of having hernia declared a compensable injury. I do not agree with this proposition at all. Hernia is a compensable injury under the Workers' Compensation Act provided action is taken to prove that, in fact, it is a work-caused disability. I intend to leave any development of that subject to people who are more qualified to deal with the disability of hernia. Perhaps my colleague, the member for Subiaco, may have something to say about this type of injury.

Mr. Hartrey: He may not agree with you.

Mr. O'NEIL: Then again, he may. There are provisions in the Bill which endeavour to facilitate the early payment of weekly compensation payments to an injured worker and, in essence, we do not disagree with any action that may be taken to ensure that a worker on compensation receives regular payments and that they start at a reasonable time. However, as I understand the position, there is some difficulty in respect of the time the Government has prescribed. I think the period mentioned is two weeks, and I believe some degree of difficulty is being created in being able to comply with this provision, especially if the injury occurs in a remote area. I do not know whether there is any major difficulty. In many cases the injured worker does receive his payments reasonably early.

Mr. Jones: There have been many hold-ups. I know of workers who have waited three months despite the fact they had done everything right.

Mr. O'NEIL: There may be some odd cases, but I guarantee there are far more cases where the reasonable requirements are met than there are those where they are not. We, as members of Parliament, always hear about the difficult situations.

Mr. T. D. Evans: The Railways Department has been notorious for years because of the long delays attributed to it.

Mr. O'NEIL: That is rather interesting, because the Minister may not know how the railways undertakes the payment of compensation to its workers. As I understand it, the Railways Department pays directly to the worker the compensation due to him and the premium paid by the department to the State Government Insurance Office is the total sum of money it pays out in compensation for the year. I think the Minister will find that that is the situation. If that is the case, it is not the fault of the Workers' Compensation Act, but the fault of the Railways Department.

Mr. Hartrey: Of course it is; we know that happens.

The SPEAKER: The member for Boulder-Dundas can make his speech later.

Sir Charles Court: He does not need to now.

Mr. O'NEIL: We do not object to any provisions which would enable the worker to receive his compensation payments more expeditiously if there are problems to overcome. We do say that the period of two weeks appears to be a little short especially in respect of some of the more widely scattered areas where workers are employed, and we propose that that period be three weeks. We would also feel that there is a requirement that all the claims should be in order.

Mr. Jones: The injured worker has to provide satisfactory evidence.

Mr. O'NEIL: That is right: I understand that a considerable number of payments are late in being forwarded because the information required is not supplied in proper form. So it is proposed that we should say, "Let us have this requirement, but make the period three weeks." Also, we wish to insert words to the effect that all the criteria as outlined in the existing section in this Act are carried out.

In other words, provided the application is in order and everything has been done correctly, the payment should be made in a period not longer than three weeks. We agree basically with the principle, but we simply desire to ensure that no payments will be made if the claim is likely to be in dispute because some sections allow the employer within the same period to lodge an objection to the claim if he does not think it should be paid. So we are not worried about the actual principle.

Other provisions are related to this aspect, but they will be better dealt with in Committee. As far as I am able I am endeavouring to speak to the main principles in the Bill during the second reading debate, and I have indicated to the Minister that I will, at the earliest opportunity, place my proposed amendments on the notice paper.

One provision rather tickles my curiosity; it is the provision under which a man can be paid workers' compensation and at the same time take either his annual leave or his long service leave. It appears to me that once again this is departing from two principles, the first being that leave is granted to allow a worker to recover from the arduous nature of his work. I can recall amendments being made to leave provisions for public servants and both the Premier and the then Leader of the Opposition agreed that leave should be granted to enable a worker to recuperate and that any provision which allowed payment in lieu of leave was not right or fair.

Under the provision in the Bill an injured worker on compensation payments may apparently elect to take either his annual or his long service leave during the period in which he is incapacitated. Consequently he gets double pay.

Mr. Jones: He is away from work for only one period, though. Is that not important from the industry angle?

Mr. O'NEIL: Is it not more important that the worker should have his leave when he is fit enough to enjoy it? Is not that the principle of leave? The member for Collie is in conflict with a basic principle of the Labor movement.

Mr. Jones: We must consider the fact that employers are growling about absenteeism. At the moment we all live at a certain level. A worker on compensation for a long period usually gets into debt. That cannot be denied.

Mr. O'NEIL: My understanding of the situation is that in many cases when a worker goes on compensation all his accrued leave payments are, in fact, made up and the compensation payments commence when they are exhausted. Is that not the situation? Perhaps the member for Boulder-Dundas can tell us what is the situation in respect of a man who goes on compensation.

I understand that when a man in the mining industry goes on workers' compensation he is paid his holiday and long leave pay entitlements. The insurance company then obtains a statement of the leave period from the employer and the compensation payments do not begin until the time covered by the leave payments has expired. This practice keeps compensation in its proper perspective to—

Mr. Hartrey: No, that is wrong.

Mr. O'NEIL: This is the advice I have received from the Chamber of Mines. It states that this is the common practice in the mining industry.

Mr. Hartrey: I know that in the case of Mr. Murray who was tried in 1966 or 1967 by the Workers' Compensation Board, the board held that because the man died of cancer, and because he—

The SPEAKER: Order!

Mr. Jamieson: Can he ask leave to continue at a later stage?

Mr. O'NEIL: Perhaps the member for Boulder-Dundas can explain that point a little later, too.

I think a mistake in principle exists when a person can, in fact, be paid twice. It may well be that it does not cost the employer any more, and in fact it could be of advantage to the employer, because if the worker is off on compensation, such a situation is covered by the employer's contribution to his insurance company. If the worker elects to take his long service leave entitlement or annual leave then the employer would have had to pay for that in any case and also do without the services of the worker. However, it seems to me to be basically wrong in principle that provision should be made in a Statute to enable a man to be paid twice and at the same time be denied the opportunity to take his leave at a time when he is fit enough to enjoy it. It would not cost the man twice as much to live when he is on compensation payments and therefore something is radically wrong with this provision. The Government should look at the basic philosophy of the Labor Party before it introduces something like this.

With regard to public holidays, it seems that the worker can get double pay. As I understand the situation now, if a public holiday occurs during a period when a worker is on compensation, then for that holiday he gets full pay from the employer as distinct from the balance of the time when he receives the weekly payments now payable under the Act. Here again is a provision for double pay which is in conflict with the basic philosophy of the Labor Party.

Another strange provision is included. Although this may appear to be of assistance to the worker it seems to me it is unfair to the smaller employer. Clause 9 provides for the addition of several new sections including a new section 12E which provides that a worker will automatically be deemed to be totally incapacitated if he is partially incapacitated and the employer does not find suitable work for him.

A person may employ only two, three, or four men. If one of them becomes partially incapacitated as a result of an industrial accident, under this provision it will be incumbent upon the employer to provide

him with suitable work whether or not that work is available. If suitable work is not provided, then the partially incapacitated worker will be regarded as being totally incapacitated and will receive compensation *ad infinitum*. That is not the present situation. Under the Act at present if a worker is unable to find suitable employment at his reduced capacity then the board may declare him totally incapacitated and he will receive the full payment. Under the provision in the Bill the onus is on the employer to provide suitable work and not many small industries can provide suitable work for a partially incapacitated person. In fact, in some of the heavy industries no light work is available.

Even if a person employs only one worker, and that worker becomes partially incapacitated, and the employer can find no suitable work for him to do, then that employee will be regarded as being totally incapacitated and will receive full compensation benefits. I do not think such a provision is fair.

The Bill contains a provision dealing with circumstances which the Minister said have not caused a great deal of trouble. I am referring to the errant worker who for some reason or other does not pay a doctor or a hospital bill, even though he is able to recoup the amount later. Normally a worker will pay the account and then claim the money from the insurance company, but apparently on some occasions a person forgets to pay a bill perhaps for his last treatment at a hospital or last visit to a doctor, and he just disappears somewhere. In many such cases the doctor or hospital is left lamenting.

Under the Bill such a claim may be lodged with the employer. I would like a little more explanation of this provision because the Minister has said that such unpaid bills have not occasioned any great difficulty in the past, but in case they do in the future, he has included a suitable amendment. I wonder whether, in fact, such an amendment is warranted.

The Bill contains provisions concerning the board itself. One of these provides that the chairman of the board will be paid the salary of a judge, enjoy the same conditions with respect to leave and superannuation, and also be permitted to use the title of "judge". A little more explanation is required concerning this aspect. Inasmuch as the board is a court of record, it could well be incorporated in the system of District Court judges. I see no objection to this and it would certainly facilitate the temporary replacement of the chairman when he is on leave or when he is ill.

However, one aspect strikes me as being rather curious and, perhaps by way of interjection, the Attorney-General or the Minister might help me. The Bill provides that the chairman of the board must be a legal practitioner with not less than eight years' experience, whereas currently the

chairman must have seven years' experience as a legal practitioner. My understanding is that to be qualified to serve as a judge a person must have seven years' experience, but for some reason the requirement for the chairman is to be altered to eight years. What is the reason for a District Court judge being required to have seven years' experience while the chairman of the board must have eight years' experience? A specific amendment is being made to change the word from "seven" to "eight".

I notice that the chairman is to be specifically titled while the other members of the board are to be referred to as nominee members to enable the chairman to continue in that position until he reaches the age of 70 years. I understand that is the age at which a District Court judge must retire, so I can see no objection to that provision. However, I would like to know why the chairman of the board must have eight years' experience as a legal practitioner instead of seven years. It is a special amendment designed for this purpose, but I understand that any legal practitioner with seven years' service can qualify to be a judge. Is that right?

Mr. Hartrey: As far as I know, yes.

Mr. O'NEIL: The provision in the Bill concerning the qualification of the chairman of the board should be further considered.

The remaining clauses deal with the schedules. Clause 11 deals with the first schedule which concerns the payment for death, and it refers to dependants and the like. I have indicated that by way of amendment we propose to move to change the prescribed amount so that the maximum payment would be somewhere between \$14,364 and \$14,365, rounded off to the nearest sum!

This is in contradistinction to the amount which now stands at \$13,136. It is, in fact, an increase of \$1,200 and is not very dissimilar to the amount of increase which occurred over the previous 12 months by virtue of basic wage adjustments.

Other specific amounts are payable to dependants upon the death of a worker. Currently the amount is—

Mr. Jones: It is \$4.20.

Mr. O'NEIL: Yes, it is \$4.20 in respect of dependent children. Previously it was \$3.90 but, by way of basic wage adjustments, it has risen to \$4.20. For some reason the Minister has plucked the figure of \$9 out of the air. This is \$1.50 a week above the payment in the present highest paying State. Some States provide a weekly allowance in this situation while

others provide a lump sum payment. Calculated over a year the figures would be roughly as follows—

		\$ per week
New South Wales	....	7.50
Victoria	....	5.60
Queensland	....	6.53
South Australia	....	5.75

The average of these amounts is \$5.76. This is the figure we suggest rather than \$9. If the Government intends to make an adjustment such as this, it is important to tell the Parliament precisely how it arrived at the figure instead of merely stating a sum. On the basis of using the maximum weekly payment as being the average of the other five States, we suggest the same principle should apply in respect of the amounts of weekly payments being made to dependants under that provision. Quite a deal of the balance of that particular provision relates, once again, to adjustments which could be made by virtue of changing the prescribed amount.

It is suggested that funeral expenses should be increased from \$163 to \$250. I think the amount proposed at the moment is \$196 anyway. It seems that we should not relate this to what appears in the Workers' Compensation Act because it has been subjected to adjustments.

We do not agree with the suggestion that repair of a worker's clothing is a true subject for workers' compensation and we would therefore oppose that proposition. Our attitude is similar when it comes to accidents which may happen to a worker's tools. Previous attempts to incorporate such items in the Workers' Compensation Act have, in fact, been rejected. I am pleased the member for Boulder-Dundas agrees that the Workers' Compensation Act is no place for this kind of exercise.

One of the major amendments proposes to delete the methods currently used in establishing weekly earnings. We wish to retain the present clause 2 of the schedule.

In essence, that covers the basic amendments to the first schedule to the Bill. Once again, we will endeavour to have the second schedule related to the prescribed amount which we will propose. It is interesting to note that the Government, in its initial attempt to do this, fixed the maximum at \$15,000. The Government now proposes to make it \$26,000. The amendments we propose will bring it closer to the original proposition of \$15,000.

Mr. Jones: What is your attitude to bodily and facial scarring? Do you agree?

Mr. O'NEIL: I do not. I still believe, in essence, that if compensation is to be paid for what is, in fact, a social disability,

that we would not improve the concept of the Workers' Compensation Act by including it in such an Act. In my opinion even mining diseases are quite different from work-caused industrial accidents and should be catered for in a separate kind of compensation Act. The whole area of compensation becomes complicated when there is a work-caused disease to be compensated for and one which, in fact, can be measured by the degree by which it reduces the worker's earning capacity or, in some cases, does not reduce his earning capacity. On the other hand, there are other conditions whereby through an accident a person suffers the loss of a limb or something of that nature and there is a clear case for a measurable percentage of compensation. For these two to be mixed together and, in total, involved in the matter of social compensation is the major cause of the problems which we find with workers' compensation.

Mr. Jones: Consider a miner who has ore or coal embedded in his face. It is an awful sight. Do you not think this affects his social standing and that he should receive compensation?

Mr. O'NEIL: Perhaps such a person ought to be compensated for social disability but if this is to be the case such compensation should not be included in the Workers' Compensation Act. I have made the point that I believe the diseases which are caused from environment in work should be in one category, pure accidents which reduce the worker's earning capacity should be in another, and that which could be described as a social disability—loss of hearing, disfigurement, or the loss of the capacity to enjoy oneself under the miscellaneous items in the legislation—should not be included under the Workers' Compensation Act.

Mr. Jones: Why did you not do something about it when you were in Government for so long?

Mr. O'NEIL: That sort of argument is frequently raised and we will probably say the same thing from the other side of the House next year.

Mr. Jones: You were in Government for a long time. If you thought that way why did you not introduce the necessary legislation?

Mr. O'NEIL: I will say this: The Minister for Labour will find this is only one part of his total responsibilities. He has many other worries. I am sure the present Minister is finding that out.

The Workers' Compensation Act warrants major inquiry and investigation. We would have gone along with the general principles of updating the legislation by an interim measure, which the Minister says this Bill is. However the Bill before us contains very many departures from the basic principles of the Act. There has been no

major consultation with industry as was promised. The Minister said that this is because it is an interim measure. The Government, on its original election promise, ought to have a thorough examination made of the Workers' Compensation Act. Even the measure before us warrants much closer consideration than has apparently been given to its provisions.

We give the Bill limited support in the areas which I have indicated. Once again, I must apologise to the Minister for not having my amendments on the notice paper. I think he appreciates the reason for this. I shall endeavour to have them placed on the notice paper as early as possible and trust they will be given due consideration in Committee.

MR. JONES (Collie) [9.24 p.m.]: The Deputy Leader of the Opposition has traversed the ground very widely and has gone into each clause. I hope I am wrong but I feel he made it quite clear what the Government can expect so far as this piece of legislation is concerned. It is evident to me that the Opposition will adopt the same attitude as it adopted in respect of the long service leave, the sick leave, and the industrial arbitration legislation.

We must ask ourselves the question: What is the Workers' Compensation Act? In my opinion it is an Act to compensate workers for injuries received at work. My view, which I think would be shared by many people who have had close association with the worker movement in Western Australia, is that it has failed dismally over the years to bring the intended benefit to workers.

If an investigation were carried out we would find that workers who had been on compensation and off work for a long period of time were in serious financial difficulties when they returned to work. The reason is easy to understand. Workers, unless they have had some luck in life, live from pay to pay. They have their commitments in the same way as, say, members of Parliament do. It must be appreciated that anyone who is receiving workers' compensation must find it extremely difficult to meet his commitments. The result is quite clear. The worker finds himself in financial stress and it is not only he who suffers this financial stress because it is handed on to his wife and family.

In bringing the amending legislation before the Parliament the Government is attempting to remove some of the anomalies—not all of them—which have confronted the trade union movement in Western Australia for some period of time.

It is true that, in the past, consultation has taken place with certain sectors with relation to proposed amendments. However, it is also true that the Minister for Labour in the previous Government brought

legislation to Parliament containing amendments which, from my understanding of the situation, were not referred to any such committee.

When the Act was amended by the Minister for Labour in the previous Government in 1970 it is true that committees were formed to consider desirable amendments. It is also true that many of the amendments suggested were rejected. Prior to the change of Government when members on this side of the House were in Opposition I am on record in *Hansard* as opposing amendments introduced by the previous Government because, in my opinion, they did not go far enough. For the sake of the record I will mention what happened when the last investigation was held prior to the Act being amended in 1970. This matter was referred to by the Deputy Leader of the Opposition. At the time the Trades and Labor Council submitted 44 items for consideration. Of these, 19 were rejected, 21 accepted, and four withdrawn. The Law Society submitted 24 items of which seven were accepted and 17 were rejected. Not one was withdrawn. To be fair to members on this side of the House, I must say that at the time we indicated quite clearly to the Government of the day that the amendments brought forward did not go far enough.

The amendments in this measure are more in line with meeting the problems which confront workers when they are off work and receiving workers' compensation.

It can be seen from volume 185 of the 1969-70 *Parliamentary Debates* at page 2977 that I adopted this attitude when I was sitting on the Opposition benches. I have not changed. Some of the amendments to which I will refer in a moment and which are included in the Bill before us should have been included in legislation brought to the Parliament by the previous Government. When I was on the other side of the House I argued for them. At the time the present Deputy Leader of the Opposition adopted a dogmatic attitude, to say the least, and he is on record in volume 187 of *Hansard* at page 2580 as saying that he would not accept any amendments at all. He said that he would not accept any amendments put forward or suggested by members on the other side of the House.

Mr. E. H. M. Lewis: What year was that?

Mr. JONES: It was 1970. I have referred to the volume of *Hansard*. At that time we felt that the legislation brought down did not go far enough.

Mr. E. H. M. Lewis: He must have had a good Bill.

Mr. JONES: I appreciate that in this place we are all allowed our own opinions. If the honourable member examines the

Bill, he will see that many of the provisions are based on the arguments put forward by the Opposition of that day. The Labor Party has always had the same attitude on these matters.

I am concerned that the attitude of the Opposition to this measure is the same as its attitude to the industrial arbitration legislation. It may be that not much of the present measure will be left when it returns from another place. The Deputy Leader of the Opposition had 32 amendments on the notice paper in relation to the Industrial Arbitration Act Amendment Bill. The amendments dealt with the deletion of 32 clauses of the 80 contained in the Bill—and I might add that these are the most important clauses. Everyone knows that if these clauses had been amended in the manner sought by the Deputy Leader of the Opposition, very little of the amending legislation would have been left. It is true we have the numbers in this Chamber, but we will be interested to see the form in which we receive the Bill from another place. I am concerned that the Opposition is adopting this attitude now in relation to workers' compensation.

When introducing the legislation the Minister made it quite clear that the Government considers the workers in Western Australia are entitled to conditions comparable to the best in Australia. What is wrong with that proposition? Why must our workers be subjected to the average? We have heard so much about this wonderful State of ours, and it is a wonderful State. I subscribe to the view that it is the best State of Australia. When we were in Opposition we heard so much about the State on the move. If we are moving and we did move, why did not the workers share in all the prosperity which was apparently around? If we survey industrial legislation, we see that workers in this State are miles behind their counterparts in Eastern Australia.

Sir Charles Court: We did not do badly during that period. We went from the lowest take-home pay to nearly the highest.

Mr. JONES: This was mainly brought about by the excessive overtime being worked. If the Leader of the Opposition wishes to argue this particular point, let us look at the iron ore industry today where a minimum six-day week of 10 hours a day is being worked. If we bring these workers back to the metropolitan area and put them in a comparable job with the same overtime provisions, they would be as well off.

Sir Charles Court: That is because the union bosses won't let them work full time. They recently had a 10-day strike in the north.

Mr. JONES: It is a simple fact, and the Leader of the Opposition knows it. Our high average wage is brought about by the

amount of overtime worked. It is only the overtime provisions in the north which makes such jobs attractive. I do not blame workers going to the north if they will be better off by doing so. They would not live under the conditions in the north without some extra reward. It is the overtime which produces the big pay packets. If the workers could obtain the same amount of overtime in the metropolitan area, they would receive the same big pay packets. I challenge anyone to prove otherwise.

It is all very well to talk about how the workers benefit. In my opinion the workers have benefited as a result of the excessive overtime which they work. However, if we examine our workers' compensation legislation we see that we fall dismally behind other States in the Commonwealth.

The Deputy Leader of the Opposition referred to numerous matters, including a letter he had received from the Employers Federation. I do not think I would be wrong in saying that perhaps a number of the views he expressed were the views of the Employers Federation because it has been proved without doubt that the Opposition looks after the interests of the employers in this State. Of course, we do not deny that we are the workers' party and that we see here an opportunity to bring to the workers of this State some of the improvements which are well overdue in regard to workers' compensation.

The Deputy Leader of the Opposition mentioned the Woodhouse inquiry and the question of whether action could be taken at common law for injuries received at work. It is a pity he is not in his seat now because I challenge him on this point. It is true that this may be the recommendation, but from the inquiries I made, no such provisions appear in the workers' compensation Acts in the different States. It may be that this prohibition may be written into a national Act, but at the moment I understand workers may still take common law action if they so desire where the average make-up schemes are in operation; that is, in Queensland, Tasmania, the mining industry in New South Wales, and other sections of private industry.

Sir Charles Court: He can at present, but under the Woodhouse scheme he would not be able to.

Mr. JONES: If it is introduced. However, in the Eastern States a worker may take common law action if he so desires.

We recently saw this provision inserted in the awards relating to the coalmining industry in Eastern Australia. I do not go along altogether with the Deputy Leader of the Opposition, and probably also with my colleague, the member for Boulder-Dundas. He mentioned that the provisions in relation to the replacement of clothing and tools of trade damaged in accidents

should not come within the scope of the Workers' Compensation Act.

The industrial tribunals have now brought down decisions that average payments are to be made to injured workers in the coalmining industry, so perhaps it may be argued that the tribunals are acting outside their jurisdiction.

The Deputy Leader of the Opposition said that a total disability payment of \$26,000 is excessive. I wonder whether it is excessive. Perhaps members could imagine a coalminer who has been blinded in an accident and also confined to a wheelchair for life. Would \$26,000 be too much for such a man? I doubt whether it would be. Any member of this House who was permanently incapacitated—totally blinded and a paraplegic confined to a wheelchair—would hardly feel that a total disability payment of \$26,000 is excessive.

The Deputy Leader of the Opposition has indicated that the Opposition's policy is that the total disability payment to the workers of Western Australia should be the average of the States. At the moment a permanently disabled worker receives \$13,136. This is not four years' pay if the man were gainfully employed. Here we have the Deputy Leader of the Opposition saying that \$14,000 is ample for a man who has to suffer the disability of total blindness for the rest of his life. It is utter nonsense to suggest this. I am sure if any one of the members of the Opposition found himself in that position he would see things as we do. I do not go along for one minute with the proposition that \$14,000 is sufficient compensation for total incapacity. I fully support the new formula contained in the amending legislation before us.

I would like to turn briefly to the question of average payments. The Deputy Leader of the Opposition complained about the provision to consider overtime and average payments when calculating workers' compensation. Workers who are injured do not choose to be injured. Probably the best example of accidents at work are those which occur in the mining industry in Western Australia. This may be due to a fall of stone, a broken timber support, or an accident associated with equipment being used at a particular mine face.

It is wrong to suggest that a man who is out of work for nine months because of an accident should not receive his average earnings prior to the accident. Does any member suggest there is anything unreasonable in the proposition that the injured worker and his family still have to live? He is in the same position as any member of Parliament—he probably has a wife and a family to support. Any worker who is injured as a result of some mishap during his employment is entitled to receive his average wage during the time he is off work. The Opposition says it is wrong in

principle. If we have any principles I believe we must support the proposal contained in this Bill.

To say the least I was disturbed to hear the Deputy Leader of the Opposition put forward a proposition without weighing up the pros and cons of the situation facing a worker and his family in such an instance.

The Deputy Leader of the Opposition indicated opposition to the Bill because it was believed to be an interim measure. The proposals contained in the measure are similar to the proposals in the amending legislation to the Federal Workers' Compensation Act. Mr. N. H. Bowen, the Federal member for Parramatta, did not adopt the attitude of the Deputy Leader of the Opposition. He is on record in the Commonwealth *Hansard* as saying that he agrees with the changes. I would like to quote from *Hansard* of the 5th April, page 1200. Mr. Bowen said—

The original Act passed in 1930 has been amended from time to time. Inadequacies have been found in the old Act and, although it had been amended in this way the system for compensation to Commonwealth employees was unsatisfactory.

Mr. Bowen is discussing the proposed national scheme, and he is a member of the Opposition. Further on he says—

The Bill presently before the House represents a further movement along the road upon which we set ourselves in the 1971 Act. In principle, I find myself unable to disagree with it.

Mr. Mensaros: You are talking about the contributory scheme.

Sir Charles Court: It is a different scheme altogether.

Mr. JONES: That may be the interpretation of the Leader of the Opposition.

Sir Charles Court: That happens to be fact.

Mr. JONES: I did not hear the Deputy Leader of the Opposition get up tonight and say that he agreed in principle with the legislation before the House.

Sir Charles Court: It is an altogether different basis of compensation.

Mr. JONES: It contains many of the same features as contained in this Bill. If members examine the Bills, they will find this to be a fact.

Sir Charles Court: You know less about the subject than I thought you did.

Mr. JONES: The Leader of the Opposition can have his opinion. He has had his opinion of me for a long time and vice versa.

Sir Charles Court: You should know more about it.

Mr. JONES: Once again the Leader of the Opposition has knowledge of all subjects before the Western Australian

Parliament, and no-one else knows anything. He is the only knowledgeable person here.

Sir Charles Court: I am only telling you the facts of the case. You ought to know your facts before you argue a case.

Mr. JONES: It is not my intention to comment on every clause. We can do this during the Committee stage of the debate. In general I support a number of the measures contained in the Bill. I have already indicated my support for the principle of average weekly earnings compensation. Strong argument for the introduction of this principle has been put forward, and I believe we should include the provision regardless of the fact that it has been introduced federally. I go along with the new concept in regard to payment for total disability. It is more in line with the general cost of living than the provisions contained in the existing Act.

I also agree that the prescribed amount should be incorporated in the Act. I am very happy to say that new section 12A will be amended to prevent delays in the payment of compensation to injured workers. I will not say that all delays are the fault of the employer, but in many instances they are. As I said when the Deputy Leader of the Opposition was on his feet, I have known workers to wait three months for their compensation claims to be met, and that is not good enough. Irrespective of where the fault lies, the worker has to provide for his wife and family and it is too much to expect the worker who is off work on compensation to wait three months for his compensation payments.

The Deputy Leader of the Opposition indicated that the period of two weeks is far too short and that he agrees with the period of three weeks. I am pleased to see that he agrees with the principle. As a former Minister for Labour he knows that there is an urgent need for a review of the legislation in this respect, because he must know that in the Railways Department and in the mining industry there have been long delays before a worker has received his weekly compensation payments. I am sure that members of Parliament would not appreciate having to wait three months before they received their salaries. I wonder how they would fare in such circumstances.

It is accepted that a worker is under a contract of service to an employer, but it is arguable whether that contract of service has been met when he is denied any remuneration for his services. The provisions in this Bill are long overdue because where there are delays in compensation payments the measure will allow an investigation to be made by the appropriate authority as a result of this new innovation contained in the measure now before us.

I do not intend to speak at great length on *de facto* wives and widows. The Commonwealth Government has already recognised *de facto* wives in the payment of widows' pensions. If it is good enough for the Commonwealth to recognise such a relationship, it is good enough for the Workers' Compensation Act to contain a similar provision.

Dr. Dadour: What if a man has two *de facto* wives?

Mr. JONES: I come from the country and I am not aware of the position of people who live in the city.

The next point I wish to comment upon is the definition of "hernia" for which compensation is sought under the provisions of this Bill. I understand our learned friend, the member for Subiaco, will give us the benefit of his knowledge on this subject. In the past the reporting of a hernia following an accident has proved to be difficult. Many medical boards have ruled on the question; some of which have proved to be right and some have proved to be wrong. There is too much doubt in respect of the existing provisions in the Act. It has often been found that a worker, although he has reported he is suffering from a hernia as a result of his employment, has been denied compensation. I look forward with interest to see if the member for Subiaco agrees with me in this respect, and I will have more to say on the subject when we reach the Committee stage.

The Opposition opposes the question of annual and long service leave, but I will not deal with that matter. It is pleasing to see that some members of the clergy will be covered by compensation. Some of them may have suffered a few accidents of recent date and this Bill seeks to cover members of the Anglican Church. No doubt we will see moves taken to cover other members of the clergy.

I was disturbed to hear the views of the Deputy Leader of the Opposition in regard to facial injuries. This is something I cannot understand. Injuries to the face are quite common in the coalmining and other mining industries. We have a situation at the moment that if a person is an actor and he depends on acting and his good looks for his livelihood he can be compensated for any facial injury, but if a man is a navvy on the railways or is engaged on night soil removal, he is denied any payment of compensation if he suffers any facial injury. This is completely unjust.

Provisions contained in this Bill represent a strong attempt to rectify the anomalies that exist in regard to facial injuries. Quite often a coalminer is scarred for life as a result of having coal embedded in his face. The face of such a man is a ghastly sight. To my knowledge it is impossible to remove all the particles of

coal that are imbedded in a miner's face as a result of an explosion. One often sees such men walking around Perth, but because of the nature of their employment they are not entitled to the payment of any compensation for that disfigurement. Therefore, I was certainly not pleased to hear the Deputy Leader of the Opposition say he was not happy with this provision.

Mr. O'Connor: Did he not say that it could be covered by another Act?

Mr. JONES: What other Act could cover it? The Deputy Leader of the Opposition was the Minister for Labour for six years. If he was so keen to provide for compensation for industrial deafness in another Act, why did he not do it himself whilst he was holding that portfolio?

Mr. O'Connor: You are saying that he said he was not happy with the provision.

Sir Charles Court: He was talking about compensation for disabilities incurred outside as distinct from industrial injury.

Mr. JONES: I am talking about facial injuries which result in disfigurement and are not covered by the present Workers' Compensation Act. I know of no other Act which would cover such an injury. It could not be covered by the Factories and Shops Act and therefore we have to look at the Act which will give such an injured worker the greatest protection, and the Workers' Compensation Act is the one which will give him compensation for such disfigurement. It may well be that we will have to introduce another piece of legislation to cover such disabilities in the future, but at present we have to insert such a provision in the Workers' Compensation Act.

On the question of industrial noise, this Bill is an attempt by the Labor Government to overcome a great anomaly that has existed in the Workers' Compensation Act for many years. If anyone has worked in a power house, or in the mining industry next to a blower he will appreciate what effect noise has on such a worker. There are many instances where men become deaf as a result of noise at the place of their employment.

Mr. Blaikie: We may become deaf here, too.

Mr. JONES: I do not think that will happen here. In all seriousness this is a great problem. Probably many members in this House would not be aware of a situation where men are subjected to continual noise.

Mr. O'Connor: We are here.

Mr. JONES: I will not look forward to hearing the honourable member speaking tomorrow night, either. It has been found that where men are subjected to noise and it has been proved that the disability was

work-caused, no compensation can be paid under the existing provisions of the Workers' Compensation Act.

Mr. E. H. M. Lewis: He could go to a dance on a Saturday night and be subjected to great noise.

Mr. JONES: Possibly he could, but that is a different kind of noise.

Mr. May: It is a social noise.

Mr. JONES: Anyhow, I am very disturbed at the attitude adopted by members of the Opposition. It is quite clear to me—and only time will tell—that very little will be left of this Bill after it has been dealt with by members in another place. As I know it, the pattern will be the same. The Bill will be passed in this Chamber, but when it reaches the House of Review we can expect that the amendments agreed to by this Chamber will be opposed by those in another place. However, I hope that in this instance I am wrong.

This Government has a good industrial programme. It is considered that the four Bills I have mentioned are necessary to improve the standard of workers' conditions in Western Australia. However, after hearing what the Deputy Leader of the Opposition had to say on the Bill we may eventually discover that this measure will meet the same fate as other industrial measures that have passed through this House and been transmitted to another place. I will have more to say on the Bill when we reach the Committee stage and deal with the clauses contained in the measure. I have much pleasure in supporting these amendments to the Workers' Compensation Act.

DR. DADOUR (Subiaco) [9.56 p.m.]: I thought the member for Boulder-Dundas was going to rise to his feet.

Sir Charles Court: He has made his speech.

Dr. DADOUR: Apart from agreeing with what the Deputy Leader of the Opposition had to say on the amendments contained in this measure, I wish to point out that many provisions in it give cause for concern. I am aware of the workers' problem as much as anybody else, because I deal with workers' compensation all the time. However many of the clauses in this Bill are more of a socialistic nature instead of being of the nature which one would expect them to be in workers' compensation legislation to compensate workers who are injured at their place of employment.

When I first saw this Bill I was quite surprised, because knowing that the member for Boulder-Dundas had such a great hand in it—one can see his fingerprints everywhere—I am surprised he did not introduce the question of pain and suffering into the legislation, because pain and suffering must be considered when dealing with facial injuries, which subject was

raised by the member for Collie. I do not think we should delve into these areas through the medium of the Workers' Compensation Act. There is compensation available to people who are injured while they are working.

Mr. T. D. Evans: Did you say there is, or should be?

Dr. DADOUR: There is. We agree with any necessary changes for the benefit of the worker, but I believe that when change does come about it should come only after adequate inquiry. Last year I was led to believe that we would have an all-party committee drawn from members of this House to look at the question of workers' compensation with a view to updating it as much as possible in accordance with present-day thinking, but this has not eventuated.

All the amendments contained in this Bill came from the other side of the House. Some of them are necessary, some are too far reaching, and some require further amendment. The Commonwealth workers' compensation legislation is an entirely different Statute from what we are dealing with this evening. The points I would like to bring out are the medical ones.

Firstly, I refer to noise and industrial deafness. No doubt most of us are aware that in certain industries a great deal of noise is created, and that deafness can result from that noise. This point has always been accepted, but what worries me a great deal is that some people who are employed in noisy occupations during the day seek pleasure in the evenings by playing in bands.

When the debate on the noise prevention legislation took place last year it was revealed that the electric guitar produced a noise level which was not far below the level that kills. If one listens to pop music in an enclosed space, one finds that the noise level created by the electric guitars, the bongo drums, and the rest will induce deafness more than any other factor. I know three people who are employed in the printing trade where there is a great deal of noise, but in the evenings those people play in bands.

Mr. May: How would the noise from an electric guitar kill a person?

Dr. DADOUR: If one is exposed to a noise level of 170 to 180 decibels one is likely to be killed by it.

Mr. May: Noise will kill?

Dr. DADOUR: It can and it does kill. If a person were exposed to the noise from a jet engine he could be killed instantly.

Mr. Bickerton: I have often wondered why I nearly died in this place.

Dr. DADOUR: It is very difficult to assess the degree of deafness that is sustained by a person in the course of his

pleasure as against his occupation. It is essential that before any person is employed in a noisy industry he be subjected to a hearing test.

Another point I wish to bring forward is that with advancing age deafness creeps on. This is the normal ageing process. Here we are dealing with a matter that is rather complicated, and it is very difficult to determine the contributing factors.

The next point mentioned in the Bill relates to silicosis, which seems to be a favourite topic of the member for Boulder-Dundas. This is a slow, progressive disease. It takes about 10 years' exposure before the first clinical signs are detected and the cause determined radiologically. If a person ceases to be exposed at a particular time, the disease could become evident 10 years or more from then; that is, 10 years or more after the worker has left the industry, and has not been exposed to it again. This is a recognised medical fact, and it is accepted by the medical profession and the Workers' Compensation Board.

I now wish to refer to the problems that may crop up. In the case of silicosis a complication which could arise is tuberculosis. We find that many people who are silicotic develop tuberculosis in later life. This is a direct result of silicosis.

In the case of asbestosis it does not necessarily follow that a worker contracts the disease in the mining of asbestos. In fact, we find most cases of asbestosis occurring in the milling of asbestos. A complication arising from asbestosis is cancer of the lung. This is a fact accepted by the Workers' Compensation Board and the medical authorities. So, in this respect the workers are covered.

I feel that the provisions set out in the Bill are too open, because if a person becomes partially incapacitated as a result of silicosis, and there is no light work available or that person chooses not to work, he is entitled to full compensation. It acts in two ways: If there is no light work available, or if the worker chooses not to work. In either case he is entitled to compensation. This is a dangerous provision, and under the proposals in the Bill workers' compensation will be paid to such a person for many years.

In the case of chronic bronchitis the complications are pneumoconiosis and other conditions. These are all tied together. Under the existing legislation if a person develops right-heart failure due to the fact that the blood cannot pass through the hardened lungs, he should be covered by workers' compensation because this is another complication of silicosis. However, if he develops left-heart failure the condition has nothing to do with silicosis. So, I do not see why in this case the person should receive compensation.

Mr. Hartrey: You cannot differentiate between the lungs of a person. A person has to breathe with both lungs.

Dr. DADOUR: There are certain conditions related to the cardiac pulmonary system. On the one hand the condition could be caused by silicosis, on the other hand it could not be, and in the middle there are cases which overlap. The member for Boulder-Dundas might argue along these lines and be able to beat the laity, but he cannot beat me.

Mr. Hartrey: Do you not agree that lack of oxygen in the blood will damage the kidneys?

Dr. DADOUR: Yes. When a person dies the cause may be attributed to a carcinoma of the stomach or some other organ. When a doctor is writing down the cause of death, firstly, he may find that the immediate cause is cancer in certain parts of the body. Secondly, he may write down the cause as primary cancer of the liver or some other organ. Then he will write down in the fourth column the conditions which might have contributed to the death, and in this column he might include silicosis.

Under the provisions in the Bill, it means that a person who dies from any cause—provided he was affected to some extent by silicosis—will be regarded as having died from silicosis.

Mr. Hartrey: It has always been the law that if it can be proved that an industrial disease contributed to the cause of, or accelerated the death of a person, it is fully compensable.

Dr. DADOUR: All I can say to the honourable member is this: Why is there a need to have all this garbage before us? There is no need for it at all, because if a doctor is honest he must write down the conditions otherwise the death certificate is not complete. The doctor is compelled by the law to do that.

Mr. Hartrey: Unfortunately the death certificate is not conclusive of the cause of death.

Dr. DADOUR: I do not go along with that, and the honourable member seems to be offbeat. The next aspect I wish to raise relates to cardio-vascular disease and cerebral disease. Here we are dealing with a provision which will turn out to be a gift to some. People suffering from high blood pressure run a very great risk of suffering a stroke or a heart attack even if the work has in no way contributed to it. That person might be sitting down all day in the course of his employment. He has eight working hours of the 24 hours of a day to be afflicted with such a malady.

Cerebro-vascular accidents result from three causes. The first is a cerebral haemorrhage which means that one of

the cerebral arteries bursts, and the effect is immediate. A person becomes paralysed on the spot. The second is embolism, which is a foreign body floating around in the bloodstream. It usually comes from the left side of the heart and lodges in one of the cerebral arteries. Then there is cerebral thrombosis, which is a stroke and far more common. This form of attack can take up to three days and can come on slowly and insidiously. A person could know it was coming on and go to work and then suffer his first accident at work. I deal with this sort of thing, and there is no doubt about what can occur.

We then come to heart attacks. A person could have a heart disease for years and have his first coronary at work. Because the first coronary happens while the person is at work the Workers' Compensation Board will have to pay. It is true that there are cases where people are entitled to compensation but they are knocked back. However, I am afraid of abuse in the other direction. I deal with people all the time and I know that this sort of thing can occur, does occur, and will occur.

Mr. Hartrey: Would the honourable member recommend that a man with a known arterial disease of the heart should do heavy laborious work?

Dr. DADOUR: But he does not have to be doing laborious work; that is the point. It is the man who sits in an office who is more likely to have an attack. I think the Workers' Compensation Board should be called upon to pay a great deal of attention to this particular aspect.

We now come to our old friend, hernia. The definition of "hernia" is to be removed from the parent Act and there will be nothing to define hernia. There is no definition in the first, the second, or the third schedules, or in the regulations. I have checked this point and it is left wide open.

Mr. Hartrey: The medical people give a definition.

Dr. DADOUR: There are several different types of hernia. Probably the most common—about 80 per cent. of cases—is the inguinal hernia. Then we have another form of hernia which about 10 years ago was not thought to exist. However, it became very popular and every second or third diagnosis was for hiatus hernia. In this case part of the stomach is able to get through the diaphragm and up in the lower part of the chest. It is an extremely common condition. It can be congenital, or it can be caused by accident such as a crushing injury as a result of a motorcar running across a person's abdomen. It is usually caused by ageing processes and affects people from the age of 40 years on when they develop great corporations. It affects people who become inactive and whose muscular systems are not as good

as they were. Hence, every time they bend down they force acid into the stomach, which causes a burning sensation. I feel that this condition, which is really part of the ageing process, will become a claim on workers' compensation. Really, it is a medical condition.

Mr. Hartrey: Has the honourable member ever heard of some solitary occasion where a person has received compensation for that condition?

Dr. DADOUR: Do not let us be too naive about this matter. The member for Boulder-Dundas, as usual, is trying to draw red herrings across the track. I believe the Act should contain a definition of hernia. In my dealings with patients I have found that a person with hernia usually realises it within 24, 48, or 72 hours. If the time is a little longer, provided I, as a medico, put up a good case and get a second opinion, the Workers' Compensation Board will usually accept a claim. Surely this means that the doctors should be educated rather than alter the law. I do not believe there is any reason to alter the law. The only reason the provision has been deleted by the other States is probably that it has been put in the "too hard" basket.

There is nothing hard about diagnosing hernia and I have never yet had a case knocked back. I can see that in future very few cases of hernia, except those associated with workers' compensation, will be operated on. Who is to say that a hernia has not been worsened or aggravated by an industrial accident which did, or did not, occur? These are the points we must examine; we have to be responsible. To delete the provision altogether is merely adopting a defeatist attitude.

I will now refer to facial scarring. In most cases these days facial scarring can be repaired by plastic surgery and workers' compensation does pay for this.

We then come to "Miscellaneous"—loss of genitals, 80 per cent., and permanent loss of the capacity to engage in sexual intercourse, 80 per cent. These are not easy matters to decide because no law really sets out the conditions under which one permanently loses the capacity to engage in sexual intercourse. In the case of a spinal injury, with a complete severance of the spinal cord, it depends of the level of the severance and the person concerned. This is not an easy matter to work out. Such an injury can also be caused by permanent brain damage. I think those are the only two conditions accepted in law.

It will be difficult indeed to attempt to prove that a person no longer has this facility. I know a number of paraplegics who are able to engage in sexual intercourse. Some can and some cannot. It is difficult in the extreme to ascertain whether a person can or cannot. I am somewhat surprised that the member for

Boulder-Dundas, who has been involved in the inclusion of many of the clauses, did not think fit to include the brothels in Kalgoorlie.

Mr. Hartrey: Are you proposing to protect them from industrial diseases, on accidents, arising out of or in the course of employment?

Dr. DADOUR: We must think of this because accidents do occur. It is a wonder such a provision has not been included seeing that the honourable member apparently approves of the miscellaneous points which have been included in the second schedule.

Mr. O'Connor: Included if it happens during working hours!

Mr. Hartrey: An industrial disease!

Dr. DADOUR: I have dealt with the points I wished to cover because I intended to confine myself to pure medical points. There is a good argument for a great deal of that which I have explained to the House. Some of the provisions are not valid and should not have been included in the measure; they should certainly not be agreed to.

I know the difficulties which I encounter as a general practitioner. I agree with the Minister who said that the number of malingerers is few indeed. He quoted certain figures and I have found them to be quite correct. There are very few malingerers.

One point worries me. A number of people come to me with an injury which is not bad enough to keep them away from work. The person is able to continue working and, usually, I pose the question: Do you think you can continue working? The answer is: I cannot afford it. This worries me. This small group will take advantage of this legislation. It is only a small group but they may take advantage of it if they are to receive the equal of 100 per cent. of their weekly income.

Mr. Hartrey: That is no shown by experience.

Dr. DADOUR: I do not wish to see people penalised but a number of people say, "I cannot afford to".

Mr. Hartrey: What do you mean by that?

Dr. DADOUR: That is what I ask myself. They say they cannot afford to.

Mr. Hartrey: Afford to do what?

Dr. DADOUR: Go off on compensation.

Mr. Hartrey: That is fair enough!

Dr. DADOUR: As I said before, if they were really incapacitated they would have to go off.

Mr. Hartrey: There is such a thing as fortitude.

Dr. DADOUR: I wonder what will happen to fortitude if we make it too easy. We must think of this point and there are a number of such people. I sometimes wonder what will happen. As a general practitioner, more pressure will be brought to bear on my conscience when I deal with some of these problems.

Mr. Bickerton: Start being a politician.

Dr. DADOUR: I told the Minister for Housing a little earlier that I believe I am able to combine both.

These are the points which worry me. If we make compensation too easy a larger number of people will be going off work.

Mr. Bickerton: I cannot see the logic of that.

Dr. DADOUR: I have no other point to make.

MR. McPHARLIN (Mt. Marshall) [10.25 p.m.]: I could take up a great deal of time in discussing this measure but I believe the Deputy Leader of the Opposition covered the Bill in great detail and with such thoroughness that it does not leave one a great deal to say. I commend him for the manner in which he did this. He spoke for over two hours and covered most aspects of the legislation.

I wish to bring one point to the notice of the House and I think the Deputy Leader of the Opposition mentioned it. This is to be an interim measure—as we were told in the Minister's second reading speech—because the Commonwealth Government has announced that it intends to establish a national compensation scheme which will eventually absorb all the various workers' compensation systems in Australia.

This is what causes me some concern. If this is only an interim measure, are we to have the legislation only until such time as the national scheme comes into operation? Are we to anticipate that more amending Bills will be brought before the Parliament to comply with the requirements of the Federal scheme?

This is the doubt which is in my mind. What are we to expect when the national scheme comes into being? Are we to have more centralised and bureaucratic control in Canberra? If this is so, control would be taken away from the States and we would not have the authority or the say which we think we should have. I am very concerned about this and I would like the Minister to clarify this aspect when he replies.

A committee is now investigating a national scheme. Mr. Justice Woodhouse was sent over from New Zealand for this purpose. I understand he conducted a similar investigation in New Zealand and came down with certain recommendations. These have not yet been implemented and apparently some time will elapse before the recommendations take effect.

Mr. Justice Woodhouse is now in Australia. He has made recommendations which suit a socialist Government in New Zealand and it is anticipated he will make similar recommendations in this country to suit the aims and aspirations of the centralised socialist Government in Canberra.

I am concerned because I believe this would react against the private enterprise system which we have had for so long. It would take away many of the advantages which the private enterprise system gives. It would centralise control too greatly in one area and would not provide the service which it should provide. Consequently it would react unfavourably.

The member for Collie made one or two points which concern me to some extent. We know he has had a great deal of experience with workers' compensation and industrial arbitration. He made some comments about noise-caused injuries. The member for Subiaco confirmed that noise can cause injuries. These days there are products which can assist workers who are exposed to loud noise in their work. Ear-muffs can be used to reduce the noise factor. These are used quite often and it helps the men in their work. Tractor drivers who have worked in the fields for many hours a day and for months on end in the midst of constant noise have been supplied with earmuffs and have found them quite effective when placed over their ears. I do not see why this could not be done in the mining industry where, as the member for Collie mentioned, workers are exposed to excessive noise for considerable periods of time.

Other points have been made by various speakers but I do not intend to take up more time. Many of the matters can best be argued at the Committee stage.

I ask the Minister to give me some information as to what is intended after this "interim measure", as he calls it. I want to know what the effect will be when the Federal Government introduces the national scheme about which it is talking.

**MR. HARTREY** (Boulder - Dundas) (10.30 p.m.): I am very pleased, having been in this House for nearly three years, to have the opportunity to support a Bill which I hoped would be introduced in the first six months. I support this Bill with great enthusiasm. I think it embodies a real advance in the attitude of the community towards workers' compensation.

The Bill has been subjected to some rather severe criticism by the Deputy Leader of the Opposition and there is some substance in one or two of the objections he has raised. I do not propose to say specifically what they are because it is not my business to adopt his arguments. It is my business to combat his arguments, but for the most part I combat them with a very good conscience.

Generally speaking, the speech made by the member for Collie was very refreshing, apt, and to the point. It expressed very ably the attitude that the average working man or Labor supporter adopts towards social reform. But I remind members of the Opposition that in every country where this type of legislation has been introduced it was first introduced by members of their political persuasion. The idea originated with Bismarck in Germany, and he was certainly not a very advanced socialist; in fact, he was a very reactionary Prussian.

In Britain, workers' compensation legislation was first introduced in 1897 by a Conservative Government, although the scope of it was very much widened by a Liberal Government in 1906. This legislation was first introduced in Western Australia in 1901 by a Liberal Government, and the person who introduced it—Mr. Walter James, later Sir Walter James, who was the Attorney-General at the time—pointed out that one of the principal reasons for introducing it was to abolish sections 20 and 28 of the Mines Regulation Act, which gave better protection to workers in the mining industry than the Act which replaced those sections.

The Bill now before us marks a substantial step in the right direction. In the past, workers' compensation has always been looked upon as being in the same category as military pensions and things of that kind—a type of compensation of an inadequate nature to people who have sacrificed a great deal more than the people in the community are prepared to award them. Never was a private soldier or any officers lower than a general given a military pension which was anything like just compensation for the services he rendered to his country, and no Workers' Compensation Act has yet fully compensated the soldiers of industry for the tragic fate that often befalls them. "Peace hath her victories no less renowned than war": neither are her tragedies less poignant than war nor less destructive of human happiness.

We were reminded by the member for Collie this evening that during periods on half, two-thirds, or otherwise diminished pay, which is called workers' compensation, not only does the worker suffer but also his wife and family suffer. I ask my friends on the opposite side of the House to pay heed to these words because they will find the argument powerful at the polls. Not only do the worker, his wife, and his children suffer, but surprisingly enough the landlord, the hire-purchase company, the hotel keeper, the greengrocer, the butcher, and the baker, from whom the worker buys his commodities, also suffer.

It is not by any means bad for the whole community that a worker who is temporarily disabled by an industrial accident

should be paid exactly the same wages while he is disabled as he would have been paid had he still been working. If he is so paid, there is no disruption to his creditors, and those creditors are for the most part earnest and industrious supporters of the Liberal and Country Parties or the amalgamation of those parties, unless the Country Party amalgamates with the D.L.P. I think that is an important feature of this Bill.

This will be a popular Bill. It is very sound and, in all sincerity, I say it will be a popular Bill not only with the working people but also with many middle-class people, for another reason. Workers' compensation can be quite cheaply acquired today by well-to-do people. If a man forms a proprietary limited company, he can employ himself. He can be an employer and cover himself for workers' compensation, so that if he has a fatal accident his widow can receive up to \$14,000. Even in the wealthiest families, \$14,000 is not to be sneezed at.

The measure now before us makes a real economic advance as well as a social advance in the community, and it will be a popular advance. It will be popular in quarters where members of the Opposition have not thought of it being popular. Labor Party members will not be found to be strong supporters of hire-purchase companies, landlords, and many other people of that kind. On the other hand, hire-purchase companies, landlords, and so on will support the idea that their customers should be continuously in receipt of enough money to be able to meet their obligations, and the man who does not receive full wages must give up something. It is not always his beer that he gives away. Frequently it is his rent, his hire-purchase payments, his hospital benefit fund contributions, or some other obligation of a more meritorious nature which he gives away.

I am not frightened that this Bill will not be passed in this House—we have the numbers here—and I am not very frightened that it will not be passed in the Upper House substantially in its present form, because members of the Upper House would not be game to tell their supporters they did not pass it. I think the Bill will come back here substantially in its present form. Members of the Upper House would be very ill advised not to pass the Bill, because they will soon be faced with an election in which many of their supporters will ask, "Why didn't you pass it?"

Let us deal with the measure in detail. Many of the things which have been said about it tonight show a complete misapprehension of the substance of the proposed amendments to the Act. I was surprised to find the Deputy Leader of the Liberal Party—whom, as a rule, I consider to be very well informed on this subject—has such a poor conception of the meaning

of some of the provisions. For instance, he asked why we should include an interpretation "Disabled from earning full wages" and said it would have a terrible effect. Of course it will not have that effect because it is only the definition of one phrase in the present Bill, and must be understood in its proper context.

Today, if a man is totally incapacitated for work he is paid maximum compensation for the period of incapacity, and if the incapacity is permanent the compensation payable is up to the maximum of the employer's liability for the time being. As in New South Wales, there is provision for the Workers' Compensation Board to extend the maximum in particularly meritorious cases. That is fair enough.

A new interpretation is added as follows—

"Disabled from earning full wages" means rendered less able to earn full wages in a particular employment by reason of personal injury by accident arising out of or in the course of such employment . . .

That is reasonable enough. Let us take the case of a qualified electrician. Let us say that in the course of an accident he breaks his leg so badly that he can no longer climb ladders and cannot therefore work as an electrician. He has to take a less remunerative job and he is disabled from earning full wages in his previous employment. Let us say for the sake of argument that he takes a caretaker's job. If he is paid full wages as a caretaker, the insurance company has the habit of saying that as he is being paid full wages as a caretaker he is entitled to no more. That is totally unfair. Therefore, this interpretation has been added. A worker who is disabled from earning full wages in the employment for which he is qualified should be compensated. That is as plain as a pikestaff. Let us leave it there.

I would like to come back to the question of the *de facto* relationship. I agree with the Deputy Leader of the Opposition that it is perfectly reasonable for cohabitation to have subsisted for three years before compensation is payable in respect of an injured partner. On the other hand, another factor comes in when there is a child of the relationship, and although in this State such a child would have been entitled to compensation from 1912, and in the United Kingdom from 1897, its mother would not. I therefore believe this is a reasonably humane extension of a reasonably humane reform introduced by the Liberal Party through the agency of the Deputy Leader of the Opposition himself, for which I congratulate him.

I will not say anything about the "benefit of clergy" clause. This was an expression which once meant that a man could not be hanged if he could read a

simple piece of Latin. Henceforth it will mean that any church which wishes to avail itself of the provisions of sub-section (2) may do so. There is no reason why this should not be so. If the church is sufficiently advanced to ask for it it can have it. I do not think it should be forced upon any church. Some of the less well known denominations may not be able to afford it and do not want to afford it, and it should not be forced on them. On the other hand, if a church wishes to have it the machinery is there to be used.

I do not intend to say very much about the amendments in relation to travelling except to add to my earlier interjection. Many of the men working in the north-west cannot expect to have wives and families with them as they work in such primitive conditions. Also, they cannot be expected never to see their wives or families. It is a feature of their employment so far away from their families that provision is made for periodic journeys to visit them. Because such journeys are necessitated by the exigency of their employment, there is no reason why they should not be covered in the same way as they are covered whilst undertaking a journey in the course of their employment. That is perfectly fair and comes within the scope of workers' compensation legislation. I am quite sure that the Deputy Leader of the Opposition will see this point.

In regard to the question of hearing deficiencies caused by noise, a great deal has been said about the possibility of determining whether or not such deficiencies have been caused by employment. We have a tribunal to decide this and each case is determined upon the facts. Any ear specialist is able to measure the hearing capacity of the left ear, the hearing capacity of the right ear, and the binaural hearing level. That is a simple matter. I have seen dozens of medical certificates stating such facts and I could name many Perth specialists who have signed these certificates.

It will not be difficult for the tribunal to determine whether the cause of deafness is industrial noise or because the patient likes to listen to dance bands. A man who has worked for years as a boilermaker or in the mining industry in Boulder for instance, or at the Kalgoorlie electric power station, with screaming engines working all day, and who complains to the tribunal of a considerable loss of hearing much earlier in life than is normal, would no doubt prove his case to the tribunal. Nobody would deny that this is so. On the other hand, a man who has played a steel guitar in a dance band for many years and who works as a boilermaker for one week and claims that his deafness is a result of the boilermaking work would find his case very difficult to prove.

The tribunal will assess every case on its merits and it will act as it always has done, with prudence and justice. Its decisions will be made on the facts. There is nothing to panic about in this provision—it is a just and reasonable reform. This is a common industrial disability, particularly in the mining industry. People working on the machines in Kalgoorlie and Boulder are nearly always hard of hearing by the age of 55 to 60. I have spoken to hundreds of these men—sometimes in relation to workers' compensation problems, sometimes because of matrimonial troubles, and a host of other matters. I have always found that I must raise my voice a fair bit to speak to machine miners who are over the age of 50, and sometimes I have to yell.

Do not tell me all of these people have suffered deafness through dance bands. Over the last 25 years or so, such people have accumulated a hearing disability. If they have a claim under this provision, it will not be at all difficult to establish. The wording of the clause lays down how this claim will be made. If there is any objection to the wording, we can discuss this in the Committee stage of the debate.

I now turn to consideration of the amendments to section 8 (1c) of the principal Act. The measure proposes to substitute the word "Where" for the word "Whenever". Personally I have never felt it is necessary to be so distinct and clear in such a matter, but the Workers' Compensation Board is apparently of the opinion that this is necessary. Many members will be familiar with the form to be filled in by the board when considering the case of a worker suffering from pneumoconiosis. The first question is, "Is the worker suffering from pneumoconiosis?" If the answer is "Yes", it is either "from that form of pneumoconiosis known as silicosis" or "from that form of pneumoconiosis known as silicosis with chronic bronchitis?" There is a footnote on that form which reads, "Chronic bronchitis is not to be treated as a feature of pneumoconiosis unless the worker was first disabled after the passing of the 1964 Act"—that is, after the 14th December, 1964.

That is not right, of course. The board holds that pneumoconiosis is an incurable disease and can only be contracted once, but that is not true of bronchitis. I am sorry the member for Subiaco is not in his seat because he would certainly support this statement. Bronchitis is not a disease which one gets only once and it is not an incurable disease. A man may have three or four attacks of bronchitis in a year. It is an infection of the bronchi and a person can get it time and time again. A silicotic miner may get bronchitis many times in the one year. There is no reason why a silicotic miner who had bronchitis before 1964 should not be compensated on this account if he has a recurrence of it after 1964. So to make certain that he will, we

are including the word "Whenever" instead of the word "Where": so that if he is disabled four times in 1964 and 10 times afterwards he will receive 10 lots of compensation after 1964.

Further comment was made about the provision of proposed new section 12A, which states that if payment is not made within a fortnight steps may be taken forthwith. That seems reasonable enough; I do not altogether disagree with the idea that it might be three weeks instead of a fortnight. No-one will break his heart over a small concession like that. It depends upon what appears to the Parliament to be the most reasonable proposition, and possibly a fortnight is a short time. However, remember that in England the Act was passed to provide for weekly payments. The wording in our Act still provides for weekly payments—and that is not spelt "W-E-A-K-L-Y", either. So if we have provision for weekly payments, what is wrong with asking people to make fortnightly payments? The worker at present has a legal right to receive payment after the first week of disability, so what is wrong with making provision to ensure that he does receive payment after a fortnight, unless it happens to be really unreasonable, in which case I would have no objection to three weeks? However, I am not the Minister and it is not up to me to decide that.

Some reference was made to the errant worker. The Deputy Leader of the Opposition said that proposed new section 12F had not been described by the Minister and as in any case very few instances occur there is no reason for its inclusion. I can assure the honourable member that the errant worker is not a rare phenomenon. Not only do I handle a number of workers' compensation cases, but I also handle a large number of motor vehicle insurance cases, and the honourable member would be surprised at the number of times money is in the Motor Vehicle Insurance Trust ready to be paid out but I am unable to find my client. I could name three or four clients who have been missing for four years, and there is a couple of thousand dollars waiting for each of them. I have repeatedly had clients missing for six months. They just do not worry about their money; they get lost.

One man who lived in Fremantle but was injured in Kalgoorlie got in touch with me regularly for quite a while, but then suddenly disappeared altogether. Eighteen months later his wife phoned me and said she knew where he was and that she was waiting for maintenance from him. I contacted him and he eventually obtained his insurance money. Another young fellow had 15 changes of address during the course of the time I was trying to obtain his money from the M.V.I.T. His claim could not be finalised quickly as he took a long time to recover from his injuries. He repeatedly changed his address. I recall that I contacted him in Scarborough, Mt.

Hawthorn, Kalgoorlie, Esperance, Armidale in New South Wales, New Zealand, and in many other places. Finally he turned up for his money.

So the errant worker is not a rare phenomenon; he is very common. It is not up to professional men to chase errant workers around the place in order to pay them their money; so why should it not be provided that medical people may sue an insurance company which they can locate, rather than an itinerant worker who is temporarily or permanently lost?

Some criticism was offered about making the Chairman of the Workers' Compensation Board a judge. It is not proposed to make him a Supreme Court judge. I can speak with all sincerity on this subject and say with proper respect for all District Court judges that there is not a single District Court judge who has any more grasp or knowledge of the general principles of law than the Chairman of the Workers' Compensation Board; and not one of those judges would have anything like his specialised knowledge of the subject of workers' compensation.

There is no reason why the chairman should not have the status of a judge of a District Court; and I agree with the suggestion of the Deputy Leader of the Opposition that it may well be arranged that where the chairman is incapacitated, is on holidays, or is otherwise not available for duty, a regular District Court judge should take his place. That is the general practice in Victoria. In that State a District Court judge regularly presides over the Workers' Compensation Board, but frequently he is not the same man. He may be one of two or three judges who have special qualifications. That might be a convenient method for us to adopt.

In my opinion New South Wales has an even better system. In that State three judges—it might even be more than three now, but the last I heard it was three—who are all fully qualified handle the work, and any one of them could take a case; and if he thinks he could do with a colleague on the case he may call one in. I think that might well be the final result here; but I do not want to say anything that would prejudice the employment of the present employers' representative or workers' representative because they are both very good and qualified people.

Mr. O'Neil: Have you checked up on the eight-year qualification?

Mr. HARTREY: I cannot explain that. One can become a Supreme Court judge after seven years at the bar, although I do not know any case of a person being appointed a Supreme Court judge after that period. But I am blessed if I know why one must have eight years' experience before one may be appointed Chairman of the Workers' Compensation Board.

I agree, as I said previously by way of interjection, that the repair or replacement of workers' clothing and tools is not really a function of the Workers' Compensation Act, and such matters could be much more aptly provided for in industrial awards. Most workers work under industrial awards. The only advantage I can see in this provision is that not every worker who is to be insured under workers' compensation is covered by an industrial award; but apart from that I do not agree with the principle. It does not relate to "personal injury by accident".

I think I have dealt with most of the points with which I wished to deal; but I come back to section 8 because the amendments to that section were subjected to the greatest part of the criticism of the spokesman for the Opposition, and much of his criticism was unjustifiable. The Deputy Leader of the Opposition said that the repeal of section 8(13) would cause grave trouble. The fact that that subsection was ever introduced at all has been one of the calamities of the mining industry. It was not, as members might imagine, introduced by a Liberal Government, but by the Collier Labor Government in 1927. The provision was not introduced to penalise miners, but because the people who introduced it did not understand the basis of the Workers' Compensation Act.

They thought that if a man was "disabled from earning full wages" by an industrial disease—and in particular, by silicosis—the extent of such disease not being sufficient in itself to cause his incapacity for work, but doing so because supervening upon a further noncompensable physical condition, the worker could receive no compensation at all. Of course, that is not true. If a man is working on a farm and has a heart condition which does not prevent him from working, and he also has hepatitis which does not prevent him from working, and he contracts dermatitis as a result of handling poisonous substances in the course of his duties and this puts him off work, the authorities do not say that because the man is suffering from three diseases he will receive compensation only at the rate of one-third because dermatitis is responsible for only one-third of his trouble.

That is not the law and never has been. Ever since we have had compensation for industrial diseases, no disease other than silicosis has been cut in pieces as that disease is cut in pieces under section 8(13). The provision is completely unfair and unjust, and it resulted from a piece of stupid—not malicious—legislation. The workers of the goldfields have been the only workers in Australia—and I should think they are one of very few groups of workers in the world—whom the employers do not have to take as they find them.

It is a basic maxim of workers' compensation that the employer must take a

worker as he finds him. If a Fremantle stevedoring company employs a man who is not aware that he has a heart condition from which he might have died the following day, and he hauls on a heavy weight which causes him to drop dead, according to the law that entitles his widow to full compensation and not to one day's compensation. She would be paid the same compensation as in the case of a perfectly healthy man. That has always been the law, even in 1897, when a worker's wages were about 6s. 8d. a day. However, as a result of a misunderstanding the relevant section of the Act was agreed to, but it is time it was repealed.

As outlined by members of the Opposition, the proposition contained in proposed new section 8C, as set out in clause 7 of the Bill is simply a repetition of a section in the old Mine Workers' Relief Act passed in 1932 not only by this House, but also by the Legislative Council. There was nothing wrong with that section. It is ridiculous to say that this provision gives a man the right to get another job when he has advanced silicosis, because such a man would be unable to take another job.

A worker can only obtain a certificate for advanced silicosis when he has more than 65 per cent. loss of lung capacity. What man with a 65 per cent. loss of lung capacity could get a job anywhere? It is possible that if he were a novelist he may be able to earn his living at writing, but the only kind of work an ex-miner can do is hard laborious work and if he has advanced silicosis no employer would employ him. That section was taken out of the Mine Workers' Relief Act to the disadvantage of several men whom I know. One man, Tony Butun, was the subject of a question I asked in the House last year. He was certified to have advanced silicosis and he was examined the same day by the same Government doctor and declared to have only 60 per cent. silicosis disablement. A man has to have more than 65 per cent. silicosis disablement before he is classified as being an advanced silicotic. When a question was asked in regard to this man we were told that this is what the doctor had said.

Members of the Opposition now want to know why we should not have a tribunal comprising three Government doctors and the employer represented by the State Government Insurance Office. It is a very good maxim of law that not only should justice be done, it should also appear to be done. How would any honourable member of this House feel if he were charged by the Commissioner of Police with an offence and he was to be tried by three inspectors of police? Under the existing set-up if a worker receives his money from the State Government Insurance Office he considers he has had a fair go, but the fellow who does not receive his money feels

# Legislative Council

Wednesday, the 12th September, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS (9): ON NOTICE

### 1. MEAT

#### *Exclusion from Export Incentive Scheme*

The Hon. V. J. Ferry for The Hon. N. McNEILL, to the Leader of the House:

- (1) Has the Government assessed the effect upon Western Australia of the withdrawal by the Federal Government of the Meat Export incentive grants?
- (2) If so—
  - (a) what is the amount of the grant which will be lost by Western Australia;
  - (b) does the Government believe that this proposed action will be detrimental to the Western Australian industry?
- (3) If the Government does consider the action to be detrimental to the Western Australian industry, what action has the Government taken, or propose taking, in opposition to the proposed Federal Government action?

The Hon. J. DOLAN replied:

- (1) The information required to carry out such an assessment is not available at present. An approach has been made to the Minister for Overseas Trade seeking additional information which may assist in estimating the effect upon Western Australia of the withdrawal of meat exports from export incentive schemes.
- (2) (a) Answered by (1).  
(b) It is not considered that this action will have any major detrimental effect on the meat industry in Western Australia whilst strong world demand for meat and favourable prices exist.
- (3) Answered by (2) (b).

### 2. EDUCATION

#### *Tours by Children from Remote Areas*

The Hon. G. W. BERRY, to the Leader of the House:

Is any subsidy available for either transport or accommodation for children in remote areas of Western Australia to visit their capital city, Perth, on conducted organised educational tours?

no confidence in the statement that the percentage of his silicosis has not advanced.

Take the question of Tony Butun, for example. In 1968 he was certified 55 per cent. silicotic. In January, 1969, he was classified by the pneumoconiosis medical board as having advanced to 60 per cent. On the 12th December of the same year the same board declared him not to have advanced to 60 per cent. This could easily happen, but on the same day the chairman of the board certified him to be suffering from "advanced silicosis". How could that man have any confidence in that doctor? There are many other miners who feel the same way. Therefore we seek to provide a tribunal to which the employers can appoint a doctor, the employee can appoint a doctor and one can be appointed by lot.

In 1936 there was a provision in the Workers' Compensation Act that where an employer denied that a worker was really suffering from an industrial disease, after that worker had claimed he was so suffering, he was then referred to a medical board consisting of one doctor appointed by the worker, one doctor appointed by the employer, and one appointed by the State Government Insurance Office. I suggest that under the provisions of this Bill a tribunal be set up whereby one doctor can be appointed by the worker, one by the employer, and the third one can be chosen by lot and act as an independent chairman. Surely that would be a fair tribunal. The Deputy Leader of the Opposition has said it is not a good idea or a fair proposal. I would like to know why, and I would also like to know what is wrong with it.

I think when the Deputy Leader of the Opposition gives the provision some further mature consideration he will agree that it has all the hallmarks of establishing a fair tribunal. It must be borne in mind that that tribunal has the power of life and death over a silicotic miner and also will have a great effect on his widow.

I do not think it is necessary for me to keep the House any longer and I will complete my remarks by saying that I commend the Bill to members and I can only hope it will be received by another place with a reasonable attitude that keeps in mind that it will be highly beneficial not only to the working class of this community but also to the creditor class of this community, and therefore it should receive unanimous support from all concerned.

Debate adjourned, on motion by Mr. Bateman.

*House adjourned at 11.10 p.m.*