

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 9.56 p.m.

MESSAGES (2)—APPROPRIATION

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Health Act Amendment Bill.
2. State Housing Act Amendment Bill.

QUESTIONS ON NOTICE

METROPOLITAN TRANSPORT TRUST

Employees' Uniforms

1. Mr. HALL asked the Minister for Transport:
 - (1) Is it the intention of the Metropolitan Transport Trust to do away with the standard uniform as now worn by employees on Government buses?
 - (2) If so, will an alternative uniform be supplied, and will the quality of cloth be the same, and standard of uniform be equal?
 - (3) If the standard of uniform is not to be equal to that supplied by the Government at present, will a clothes allowance be made to bus workers, both male and female?

Mr. PERKINS replied:

To date no decision has been made by the Metropolitan (Perth) Passenger Transport Trust regarding the issue of uniforms to employees.

STATE BUILDING SUPPLIES

Effect of Sale on Existing Staff

2. Mr. JAMIESON asked the Minister for Industrial Development:

If or when the State Building Supplies are sold, will the Government offer alternative employment to superannuated staff, especially those who may be retrenched by the new owner?

Mr. COURT replied:

It has been made clear that in the sale of any trading concern the Government will have proper regard for the interests of all existing employees and that will apply to those contributing to the Superannuation Fund.

A committee of senior officers is examining the present conditions of service and the possible effect of any sale, and it will make recommendations and advise the Government. Such a committee cannot complete its recommendations until it has a specific set of circumstances to deal with.

NULLAGINE

Proposed New School

3. Mr. BICKERTON asked the Minister for Education:

What are the latest developments regarding a proposed new school for Nullagine?

Legislative Assembly

Wednesday, the 14th September, 1960

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

Mr. WATTS replied:

It is proposed to erect a school consisting of one classroom, toilet facilities, and married quarters during the current financial year.

4. *This question was postponed.*

ASBESTOS

Shipments from Point Samson

5. Mr. BICKERTON asked the Minister for the North-West:

Will he advise the tonnages of asbestos shipped from Point Samson on—

- (a) State ships;
(b) other ships;
over the last 12 months?

Mr. COURT replied:

For the twelve months to the 31st August, 1960, tonnages of asbestos shipped from Point Samson were:—

	Tons
(a) State ships	6,387
(b) Other ships	7,276

6. *This question was postponed.*

PORT HEDLAND HARBOUR

Improvements

7. Mr. BICKERTON asked the Minister for Works:

From the latest information available to him, what is the estimated cost of widening and deepening Port Hedland Harbour to enable ships of up to 10,000 tons to use the harbour?

Mr. WILD replied:

The report from Rendel, Palmer and Tritton is expected to be received within the next few days. After it has been considered, I will inform the honourable member of the estimated cost.

MT. YOKINE RESERVOIR

Enlargement

8. Mr. OLDFIELD asked the Minister for Water Supplies:

- (1) Is it intended to enlarge the capacity of the Mt. Yokine service reservoir during the current financial year?
(2) If so, by what extent?
(3) If not, why not?

Mr. WILD replied:

- (1) No.
(2) See No. (1).
(3) An enlargement is not necessary at present.

LEIGHTON GUNNERY PRACTICE

Effect on Traffic and Health

9. Mr FLETCHER asked the Premier:

- (1) Is he aware that road, rail, and sea traffic are disrupted during practice shoots with guns at present established at Leighton?
(2) Is he aware that consequent explosions are a public nuisance and a mental health hazard to the local community?

Resiting of Guns

- (3) Would not these guns if resited on Rottnest Island, neither disrupt traffic nor distract the persons mentioned, but be more or equally strategically placed?

Transfer of Site to North Fremantle Council

- (4) Will he approach the Prime Minister on the grounds above and further ask that the present land held by the Defence Department be released to North Fremantle Council as compensation for the dwindling ratable area in that locality?

Mr. BRAND replied:

- (1) I am informed that road traffic is delayed for a maximum of 10 minutes at a time. Arrangements exist to pass urgent road traffic to the rear of the battery if necessary. No disruption to railway services has been experienced as lookouts are posted and firing is stopped when trains approach. Sea traffic is disrupted for a maximum of two to three hours at a time. At least one week's warning is given to harbour authorities. Firing takes place once a year and is spread over three days.
(2) I have received no information that the explosions are a public nuisance and a mental health hazard, although obviously some inconvenience must result.
(3) I am informed that the Leighton battery is sited where it can best carry out its wartime role. The expense involved precludes its being moved to Rottnest Island. If it were sited on Rottnest Island, firing would be towards the mainland and would constitute a danger to people and installations on the mainland.
(4) There is merit in the suggestion that the land should be made available for civil use provided it is not required for defence purposes. In the view of Headquarters, Western Command, the necessity for the Leighton battery being sited where it is such that

the Defence Department in Canberra is unlikely to entertain any idea of moving it. The matter would appear to be one for discussion with the Defence Department by the Federal member concerned.

TOMATOES

Freight on Shooks from Collie and Argyle to Geraldton

10. Mr. SEWELL asked the Minister for Railways:

- (1) What was the old freight rate per ton on tomato shooks from Collie and Argyle to Geraldton?
- (2) What is the new rate per ton on tomato shooks from these centres to Geraldton?

Freight on Shooks from Manjimup and Nyamup to Geraldton

- (3) What was the old freight rate for shooks from Manjimup and Nyamup per ton to Geraldton?
- (4) What is the new rate to Geraldton per ton?

Export freight from Geraldton to Perth, Kalgoorlie, and Melbourne

- (5) What was the old rate per ton on tomatoes loaded at Geraldton for Perth markets, and what is the new rate?
- (6) What was the old freight rate on tomatoes loaded at Geraldton to Kalgoorlie and what will the new rate be per ton?
- (7) What is the rate per ton for tomatoes carried by rail from Kalgoorlie to Melbourne?
- (8) Has there been any increase in the Kalgoorlie to Melbourne rate this season?

Mr. COURT replied:

- (1) Collie—Old Rate—77s. 5d. per ton.
Argyle—Old Rate—77s. 7d. per ton.
- (2) Collie—New Rate—93s. 2d. per ton.
Argyle—New Rate—93s. 2d. per ton.
- (3) Manjimup—Old Rate—82s. 5d. per ton.
Nyamup—Old Rate—82s. 5d. per ton.
- (4) Manjimup—New Rate—98s. 9d. per ton.
Nyamup—New Rate—98s. 9d. per ton.
- (5) Perth—Old Rate—82s. 3d. per ton minimum 5 tons; 108s. 11d. less than 5 tons.
Perth—New Rate—95s. per ton minimum 5 tons; 120s. less than 5 tons.

- (6) Kalgoorlie—Old Rate—113s. 6d. per ton minimum 5 tons; 151s. 9d. less than 5 tons.

Kalgoorlie—New Rate 131s. per ton minimum 5 tons; 168s. less than 5 tons.

- (7) 292s. 11d. per ton minimum 5 tons.

- (8) No.

11. and 12. These questions were postponed.

CAUSEWAY ALTERATIONS

Proposals and Purpose

13. Mr. ANDREW asked the Minister for Works:

- (1) Are there any contemplated proposals for alterations at the eastern end of the Causeway?
- (2) If so, would these proposals have for their main purpose the easing of traffic flow as between the Great Eastern Highway and Canning Highway without interfering with the traffic on the roundabout at that end of the Causeway?
- (3) Would he give full details of the proposals?

Mr. WILD replied:

- (1) No.
- (2) and (3) Answered by No. (1).

POLICE STATIONS

Mundaring, Parkerville, Naval Base, and Rottnest

14. Mr. CROMMELIN asked the Minister for Police:

- (1) Are any established police stations situated at Mundaring Weir, Parkerville, Naval Base, or Rottnest?
- (2) If not, where are the police stations established nearest to the above-mentioned places and what distance are they from them?
- (3) Are police available on call all day on Sundays at these stations?

Mr. PERKINS replied:

- (1) No.
- (2) Mundaring, 5 miles from Mundaring Weir; Mundaring, 3 miles from Parkerville; Fremantle, 12 miles from Rottnest; Medina, 4 miles from Naval Base.
- (3) Yes.

BILLS (2)—FIRST READING

1. Noxious Weeds Act Amendment Bill.
On motions by Mr. Nalder (Minister for Agriculture), Bill introduced and read a first time.
2. Married Persons (Summary Relief) Bill.
On motions by Mr. Watts (Attorney-General), Bill introduced and read a first time.

CHEVRON-HILTON HOTEL AGREEMENT BILL

Third Reading

On motion by Mr. Brand (Premier), Bill read a third time and transmitted to the Council.

WORKERS' COMPENSATION ACT

Amending Legislation

Debate resumed from the 7th September on the following motion by Mr. W. Hegney:—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act, including among others, the following:—

- (1) Removal of limit on hospital and medical expenses.
- (2) Removal of restriction of three years in the matter of claiming compensation for industrial diseases.
- (3) Insurance cover to be provided for workers travelling to and from place of residence and place of employment.
- (4) Substantial increases in compensation and other payments referred to in the Act (including schedules).
- (5) The provision of more reasonable treatment for incapacitated workers in certain circumstances.

MR. CRAIG (Toodyay) [4.45]: I was very interested in the various points which the member for Mt. Hawthorn raised when introducing this motion. Like him, I feel that considerable improvement is necessary to our present Act to provide for greater compensation to an injured worker.

I do not necessarily agree with all his points of view, particularly those conveyed in his motion. For instance, he suggests the removal of the limit on hospital and medical expenses. I believe that the employer is just as much entitled to protection as the employee and that there must be some limitation, although the present limit of £150 for hospital expenses and £100 for medical expenses is nowhere near sufficient to meet the costs which would be incurred.

The honourable member also suggested the removal of the restriction of three years in the matter of claiming compensation for industrial diseases. I agree with that provision to a certain extent, and some progress is being made in that regard so far as silicosis is concerned. However, there are a lot of other industrial diseases which, in all probability, do not make

themselves apparent for quite a number of years; hence the reasons behind this particular suggestion in the motion.

But then again, we have to keep in mind the fact that a worker who would possibly claim some benefit under the provision proposed by the member for Mt. Hawthorn, might have been employed by a number of people over a period of, say, two years. I should imagine that, if he contracted an industrial disease three or four years later, it would be rather difficult to determine with which employer he was working when he contracted the disease.

The member for Mt. Hawthorn suggests that an insurance cover be provided for workers travelling to and from their place of residence and place of employment. A worker will travel to work by the shortest possible route, but in many cases the same necessity for haste does not exist on the return journey; and, as the honourable member himself pointed out, some people take a circuitous route home or enjoy a little ale on the way. Possibly the risk of injury on the return journey would be greater than that on the journey to work.

The position could arise, too, where an employer wanted to engage an employee and he would take into consideration the mode of travel of the applicant and the risk he would run of being injured on his way to work or home, in comparison to the risk involved with another applicant.

So far as the suggestion of substantial increases in compensation and other payments referred to in the Act are concerned, I agree wholeheartedly. The present scale is far too low to adequately compensate for the loss and suffering incurred by the injured worker.

I was interested to hear the Minister for Labour intimate that the Government proposes to introduce to this Chamber quite a number of amendments to the Act; and I cannot help but feel that the Government will display a very sympathetic attitude—or even a compassionate one—towards the requirements of compensating, in a commensurate manner, the loss incurred by a worker suffering from an injury received in the course of his employment.

No doubt the Government will keep in mind the interests of the employer. It is only natural that there is a certain limit to which industry—both primary and secondary—can go with respect to any increased premiums as a result of the increased benefits—if I can call them that—that it is proposed to give to the worker.

Having these things in mind, I would like to be in the position—as no doubt other members would, too—to learn of the proposals that are to be submitted by the Government. They may possibly cut across those mentioned by the member for Mt. Hawthorn; and then again, some of the honourable member's proposals might be at cross-purposes with those submitted

by the Government. In order that the House may be in a position to learn of those proposals, I move—

That the motion be amended by deleting all words after the word "that" in the first line with a view to substituting the following words:—

this House notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act with the object of providing improved conditions for workers injured by accident (as defined by the Act) arising out of or in the course of their employment, without imposing excessive costs upon industry.

MR. W. HEGNEY (Mt. Hawthorn—on amendment) [4.53]: I cannot accept the amendment, which says—

This House notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act.

I know the honourable member is inexperienced—he cannot help that—but I suggest that if he read the Minister's speech, he will immediately see how weak his amendment is. It is usual for Ministers, at the second reading stage of a Bill, to outline the provisions of the measure being introduced. The Minister for Labour, during the course of his speech, indicated that he was not in a position to give to the House the contents of his proposed Bill; and no-one expected him to.

He mentioned that the matters with which he was dealing, and which he envisaged as amendments to the Act, would necessarily have to be adopted, or altered, by Cabinet. Nobody quarrels with that. I did not expect the Minister, when he was speaking, to outline his amendments; and I repeat that I would not expect him to outline the proposed amendments even if Cabinet had agreed to them, because it would be the prerogative of the Minister to explain his Bill at the second reading stage.

How can the member for Toodyay, unless he has definite information from the Minister—which I have not got—as to what will be introduced, note with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act with the object of providing improved conditions for workers injured by accident? How does he know what the amendments are?

I accept the Minister's statement that the amendments will be introduced; but when he introduces the amendments, the House will not have the opportunity of discussing the contents of my motion because, Mr. Speaker, you know, with your exceptionally wide knowledge of Standing Orders, that if the Minister introduced certain amendments and I sought to speak on some

aspect of compensation which was not covered by the subject matter of the Bill, you would rule me out of order; and quite rightly so. So how can the member for Toodyay note with satisfaction that important amendments are to be introduced?

We have the Minister's word for what he will do. However, we had Ministers' words during the last session, but they were not carried out. I am not going to suggest that the Minister will not introduce legislation during this session; because 12 months ago, on the 30th September, 1959, I asked the Minister for Labour whether it was the intention of the Government to introduce legislation; and whether he was aware that a number of the provisions, which I enumerated in my question, were by comparison with the other States outmoded; and he agreed.

On the opening day of this session I asked a similar series of questions, and I received the reply that it was the intention of the Government to introduce legislation; but we have not seen it yet. I do not know what the Minister is going to introduce, other than this—and I make this statement in fairness to him—that he did make some reference to introducing an amendment to remove the three-year limitation in the matter of claiming for the industrial diseases mentioned by the member for Toodyay.

The Minister also said that I had a dragnet clause at the end of my motion. Well, the Workers' Compensation Act deals largely with incapacitated workers, and the last paragraph of my motion suggests that more generous treatment should be given to incapacitated workers in certain cases. We do not know what will be in the Minister's Bill; but I certainly cannot agree to the amendment.

All I have sought to do is to focus the attention of the Government on the necessity to effect some worth-while and necessary amendments to this important Act. The first is the removal of the limit of hospital and medical expenses. The member for Toodyay mentioned that point. I believe—without going into any detail now, because I have already explained the reasons—that no injured worker who is obliged to be involved in medical and hospital expenses should be legally liable for any portion of those expenses. Can the member for Toodyay say the Minister for Labour is going to alter that provision in any way?

Mr. Craig: He said so the other evening.

Mr. W. HEGNEY: He said he could not give particulars of his amendments until the second reading stage of the Bill. Can the member for Toodyay say that the matter of insurance cover for workers travelling to and from work will be included?

Mr. Craig: He also mentioned that.

Mr. W. HEGNEY: I do not want to quote what the Minister said, but he stated that he could not be expected to give details of what the Bill would contain. In passing, all that I said when speaking to my motion was that some people averred that sometimes workers proceeded from their place of employment to their homes by a circuitous route and were often delayed along the way; and somebody said, "Why should the insurance company or the employer be liable?" I stated that that aspect could be covered and the various parties protected. The Minister mentioned certain payments; but I will not deal with them, because the question has no relation to the amendment.

The member for Toodyay said that he was sure the Government would show a sympathetic attitude in regard to the loss suffered by workers during their lapse of employment. I tell the member for Toodyay—and he can read it in *Hansard*—that for many years, when we were the Government, efforts were made every session to effect some substantial and necessary amendments to this Act. But the then Opposition—now the Government of which he is a supporter—resolutely opposed the provision, and time after time our efforts to amend the Act were defeated in another place by members of the parties now constituting the Government.

Therefore, I cannot become over-enthusiastic when the member for Toodyay says that the Government is going to adopt a sympathetic attitude towards the workers of this State. What the workers of the State want is a just attitude and a sufficient measure of social justice. They are not asking for sympathy or compassion. The workers do not want that, but justice. I suggest that the member for Toodyay either has substantial knowledge of what the amending Bill will contain, or he has moved this amendment with a view to sidestepping the motion. That is all I can deduce from the amendment. I can only hope his amendment will be defeated and trust that the motion will be duly carried.

If the Government intends to introduce some worth-while amendments to the Workers' Compensation Act, it will be an indication that our efforts, over a number of years, have not been entirely fruitless. Apparently the Government, as a result of the persistence of the members of the Opposition, is going to take some action which will show that our efforts have met with some measure of success and that the workers of Western Australia will have written into the Workers' Compensation Act provisions which will meet the altered times in which we are now living.

MR. PERKINS (Roe—Minister for Labour—on amendment) [5.2]: The approach made by the member for Toodyay to this question has been more realistic than that made by the member for Mt. Hawthorn.

Mr. Hawke: Surely not!

Mr. PERKINS: Obviously, if the member for Mt. Hawthorn were realistic in his approach to this matter, he would agree to holding his motion over until I had the opportunity to introduce the proposed Bill. The member for Mt. Hawthorn introduces his motion and asks the House to agree to propositions contained in it without giving me the opportunity to convey to the House all the information on the implication of some of the suggestions he has made. The first one is in regard to the removal of the limit of the amount allowed for hospital and medical expenses.

The member for Mt. Hawthorn would lead the House to believe that we can remove this limit quite easily without any serious repercussions or without imposing any undue burdens on industry. This is one of the most complicated questions, and I do not intend to argue it during the debate on a motion such as this; but I intend to make a comprehensive statement to the House when I introduce the Bill.

In such circumstances, surely the suggestion I made to the member for Mt. Hawthorn when he moved his motion—that he might defer or postpone it until I had the opportunity to introduce the Bill—was a reasonable approach! But, of course, he refused to agree to that suggestion. In the circumstances he can only expect to have the reaction shown by responsible members of the House, such as the reaction he has produced in the member for Toodyay.

The members on the other side of the House referred to sidetracking the discussion and that sort of thing. I have been in this House a good many years; and I can recall that on many occasions motions of a reasonable nature have been introduced by members associated with me, and those motions have received very scant courtesy indeed from members now sitting on the Opposition side of the House.

Mr. Bickerton: Tell us of some!

Mr. PERKINS: I will give the honourable member an illustration. On one occasion I moved a motion in this House referring to the sale of State hotels. The terms of my motion were as follows:—

That where a local community desires to take over a State hotel to be run by it as a community hotel on a co-operative basis, giving good service and using profits for financing local amenities, this House considers that the Government should adopt a policy designed to make possible and further this objective.

What sort of treatment did my motion receive on that particular occasion?

Mr. Moir: The same treatment you meted out to us last year on the same question.

Mr. PERKINS: The member for Warren at that time (Mr. Hoar) moved to delete all the words after the word "that"—which, in effect, completely nullified the whole motion; and in lieu of the words struck out, an amendment was moved to insert the following words:—

this House is of the opinion that more State-owned hotels should be established in suitable localities and that controlling legislation should be introduced to safeguard the interests of any community in which the local community organises to take over or has already taken over an hotel with the object of operating it co-operatively for the purpose of rendering efficient service and devoting surplus moneys to the expansion of improved conditions for the community.

The Opposition is now objecting to the amendment moved by an honourable member who holds similar views to those that I hold; and, in my opinion, his approach was more realistic than the approach of the member for Mt. Hawthorn.

Mr. May: You made the member for Toodyay go red in the face!

Mr. PERKINS: Were there any great urgency about this matter I could understand the objections of the member for Mt. Hawthorn, but there has been no suggestion of great urgency. His motion can wait for a month without any grave injustice being meted out to injured workers. I should think that if members on the other side of the House were not trying to make a political issue out of this and were more concerned about gaining some genuine benefit for injured workers, that would have been the course to be followed by the member for Mt. Hawthorn.

The member for Boulder knows that, in the administration of an Act such as this, and relating particularly to the question that has been raised by the member for Mt. Hawthorn—namely, the limitation placed on the amount allowed for hospital and medical expenses—we are exercising great discretion to ensure that every case is dealt with justly and with consideration. The member for Boulder knows that, because he has handled numbers of such cases.

Mr. Moir: But you do not control the private insurance companies.

Mr. PERKINS: The State Government Insurance Office is handling a great number of workers' compensation cases, particularly those which are related to the mining industry. I have a case in front of me now, and the file dealing with it was placed on my table only today. I decided to bring the file along with me to the House because it shows that the member for Boulder, when he was Minister, had dealt with a case where the limit allowed for medical expenses had been

reached and there had been some additional expenses incurred, involving fares and so forth, which the member for Gascoyne had referred to at some stage. In this case I intend to agree to an *ex gratia* payment being made in order to ease the hardship that has been created.

I emphasise that these are very complicated cases, and would point out that a draft Bill is being considered by Cabinet at present. But naturally it is necessary to give careful consideration to all these questions, and for me to obtain the best technical advice to pass on for the information of Cabinet. Our object is that, whilst on the one side we try to ease the lot of the injured workers, on the other side we also try to ensure that we do not impose undue burdens on industry and perhaps encourage the inflated claim which can be a bugbear in this particular field of insurance.

In all the circumstances, I repeat that the member for Toodyay was extremely realistic in his approach to this question, and the amendment he has moved to delete most of the words contained in the motion moved by the member for Mt. Hawthorn and to substitute other words is a much better approach to this question than that made by the member for Mt. Hawthorn and many of those associated with him on the other side of the House.

MR. J. HEGNEY (Middle Swan—on amendment) [5.11]: I listened with great interest to the member for Toodyay when he spoke in support of the amendment; and I thought, "Well, at long last this sympathetic understanding that is to be shown towards the workers has reached the other side." I can tell the member for Toodyay that I have been in this House for a long time and supported measures introduced by Governments that had mandates from the people from one election to the other to give effect to certain principles that are incorporated in the motion moved by the member for Mt. Hawthorn; but unceremoniously, the members of the Liberal Party and the Country Party in another place rejected those measures.

There is one proposition in the motion which is referred to as the *to-and-from* clause. Since I entered this Parliament in 1930, on every occasion a Labor Government tried to have this proposal incorporated in the Act by an amending Bill, it has passed through this House; but when it reached another place the conferees of the member for Toodyay unceremoniously rejected it, notwithstanding that its implementation was the will of the people. That has been the position down through the years.

Another feature of this motion is that the Government presented its future policy in the Governor's Speech, but not one word was said in that Speech which indicated it was the policy of the Government to introduce legislation to benefit the

workers of Western Australia. Naturally, we on this side of the House assumed that the Government did not intend to do anything to improve the conditions of the workers by amending the Workers' Compensation Act.

I know the member for Toodyay comes from industry; and when he moved his amendment, I thought, "He knows something about industry; and, at long last, it is his influence on the Government that has led to his moving this amendment." I do not know whether that is correct, but I hope that before this motion is finalised he will show a generous approach to the workers' compensation law. In regard to the *to-and-from* clause, I know of several men in my electorate who, over past years, have set out from their homes in the morning to go to their places of employment; but who, before their destination was reached, were killed.

In one case I know of, the man had a wife and four children, and very little of this world's goods. The wife could get no compensation at all. If a man were killed in industry there would be provision for his wife and next of kin. But in these several cases, in my experience, the dependent wife and children were not entitled to compensation at all, which meant that, immediately, the wife and the dependent children became a liability on the Child Welfare Department. That is the experience of the past.

The provision in question is included in the compensation laws of a number of States of the Commonwealth. We talk about our position *vis-a-vis* the standard States, in regard to improvements and so forth; but I would point out that in so far as compensation law is concerned, we are sadly behind the other States of the Commonwealth. The member for Toodyay says that he notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act. But the honourable member will not know what the Bill contains until it is introduced into this House.

The Minister himself has informed the House this evening that he does not know what will be in the Bill. He is waiting for his advisers to suggest proposed amendments. After he has considered and agreed to those amendments, they must then run the gauntlet of Cabinet endorsement. It will be very interesting to know how the Minister for Industrial Development will react to the proposals when they come before Cabinet; because in the years when he represented the then Opposition, he fought tooth and nail any amendments that were introduced to the Compensation Act; he did all he could to prevent such amendments being effected. All the amendments sought to do was to provide some benefit for the injured worker. So it will be interesting to see what will be the

position after the Bill has been reviewed by Cabinet. It has been the policy of members on the other side of the House to thwart at every opportunity possible any attempt to amend the Workers' Compensation Act for the benefit of injured workers.

Mr. Mann: What nonsense!

Mr. J. HEGNEY: Let the member for Avon Valley get up and tell us just what nonsense there is in my statement. The honourable member sits and mumbles away to himself; but he has no sympathetic cord in his make-up for the workers of this country; he is concerned only about exploiting them.

In New South Wales, Queensland, Victoria, and Tasmania, improvements in the compensation laws are due largely to the influence of Labor Governments. When other than Labor Governments were in power, they dared not whittle away the provisions that had been incorporated in the law. So it will be interesting to see how the traditional policy of the Liberal Party and the Country Party will react to this proposition when it is brought before the House. I will wait with a great deal of interest to see what is in the Bill that is to be introduced by the Minister. Members on the other side of the House, together with their confreres in another place, have always fought tooth and nail to prevent the injured worker from receiving any benefit under the Act.

The reason why the member for Mt. Hawthorn moved his motion is that there was no reference at all in the Governor's Speech to workers' compensation. I would suggest that the only reason the Minister indicated that he would introduce similar legislation was the fact that this motion was brought before the House.

Mr. Perkins: We made an announcement long ago.

Mr. J. HEGNEY: The member for Toodyay hoped that the Government would give sympathetic consideration to this matter. I have had experience of this in the past. When I first came into this Parliament the compensation law provided an amount of £1 for medical benefits. If I remember correctly, it was a Labor Minister who provided cover for miners under the compensation Act, notwithstanding the fact that it was unlawful to do so at the time. Eventually premiums were paid and cover was provided for such workers. The people who opposed that move at the time are the same people who will oppose it now.

I represent an industrial constituency, and I have worked in industry for most of my life. My particular concern is the difficulties that have confronted boilermakers for a number of years. I know many such men who, because of their industry, have gone stone deaf; and they are not entitled to compensation under the present law. This aspect has been referred to in the

motion moved by the member for Mt. Hawthorn; but the amendment moved by the member for Toodyay now seeks to circumvent that provision.

There is no reason why the motion should not be agreed to; and when the Minister brings down his Bill, we can deal with it on its merits. All the motion seeks to do—that is, the motion moved by the member for Mt. Hawthorn—is to provide adequate protection for workers in this country.

MR. MOIR (Boulder—on amendment) [5.21]: I am sorry to see that the Minister has been in such an irritable mood recently.

Mr. May: Haven't you got used to that yet?

Mr. MOIR: One would have thought that with the bountiful rains we have had he would have been in a happier frame of mind. It would seem he is one of those who take their pleasures sadly.

Mr. Brand: We are very pleased with the rains.

Mr. Hawke: He is worried about the storage problem.

Mr. MOIR: I cannot agree with the amendment moved by the member for Toodyay, because we have no knowledge at all of what is contained in the legislation that the Minister proposes to bring before the House. If we accepted the amendment moved by the member for Toodyay we would be actually endorsing a blank cheque, and giving our approval to something of which we know very little at this juncture.

Mr. Norton: Of which we know nothing at all.

Mr. MOIR: The motion moved by the member for Mt. Hawthorn is clear and concise. We know what it means, and the subjects it covers. We know the shortcomings of the Workers' Compensation Act, because when the motion was moved and debated, various speakers pointed them out. They are many and grievous.

The Minister is in a position to know what the shortcomings of the Act are; but we are not in a position to know what the Minister's intentions are at this stage in regard to the Act. It is true that he did give an indication that strong consideration was being given to eliminating the three-year qualifying period in regard to industrial disease. It must be appreciated, however, that an amendment to the Act can be brought down; and though it may have some desirable features, it may also possess other undesirable features which completely outweigh any that may be desirable. It does not make sense at all to ask us at this juncture to give unqualified approval to what the Minister may introduce in his Bill.

I am surprised at the member for Toodyay moving such an amendment at all. I can only conclude that he did so because he is a comparatively new member in this House; because he would know the previous attitude of the parties that now represent the Government; he would know that the members on that side of the House have always been very hostile to improvements that have been sought by Labor Governments to the Workers' Compensation Act.

The member for Toodyay should know that very worth-while proposals have been brought down by the Labor Governments in the past—even this very one of removing the three-year provisions has been strongly opposed by the people who now constitute the Government. One can only hope that there has been a change of heart so far as that and all other aspects of workers' compensation are concerned.

When the Minister was addressing the House on this amendment, he said there was no urgency in the matter. He made reference to the fact that he was dealing with a case before him—submitted by myself—to which he was giving favourable consideration. I appreciate that greatly; and I want to say that so far as the State Government Insurance Office is concerned, in quite a number of cases it has dealt very sympathetically with matters that are outside the Act.

I would point out further that Ministers of either political complexion have always given sympathetic consideration to matters that have come under their notice in relation to workers' compensation. But their jurisdiction is limited. There are numerous other insurance companies, however, which undertake workers' compensation insurance; and the same problems arise there. But it is a different story altogether when one approaches any one of those private companies on behalf of an injured worker in relation to *ex gratia* payments; or on the question of sympathetic consideration being given on some matter that is slightly outside the Act. One finds that these people, who are in the business to make profits, are not prepared to go outside the Act. They stick rigidly to the letter of the law.

So when the Minister says there is no urgency in this matter, I must state most emphatically that there is an urgency: a very definite urgency. Hospital and medical expenses are not exceeded only in the cases of injured workers who happen to be covered by the State Insurance Office. That also occurs in relation to other workers, irrespective of with whom they are insured. If they have exceeded the statutory allowance, the private companies are very reluctant to do anything about it. I will go so far as to say that I know of no case where the private companies have stretched a point and have paid something extra on bills presented by workers. They

invariably stick to the letter of the law. So in that context alone this matter is of great urgency; and something should be done about it. In moving his amendment, the member for Toodyay pointed out that in his opinion the medical and hospital expenses were inadequate, and suggested something should be done about that.

The Minister chided the member for Mt. Hawthorn for moving his motion. He said the honourable member should have waited to see what the Government was prepared to do. But I would point out—as was mentioned by the member for Middle Swan—that the Government gave no indication, in the Governor's Speech, that it was considering bringing down amendments to the Workers' Compensation Act. Parliament met on the 28th July, and today is the 14th September.

Mr. May: We also met here last year.

Mr. MOIR: We know that when the matter was under debate a few days ago the Minister indicated that it was his intention to bring down amendments to the Workers' Compensation Act. Accordingly, there has been no previous indication—and it must be admitted that there has been plenty of time afforded the Government to give such an indication—that it intended to bring down amendments to that Act.

The amendments the Government proposes to introduce in its Bill may cover some of the matters listed in the motion moved by the member for Mt. Hawthorn; then again, they may only deal with other matters. It could be very debatable whether the Government's ideas of improvements to the Workers' Compensation Act would coincide with the ideas of the Opposition. We know from experience that the Government tends to look more at one side of the question—the side of the employers. It does not give the same thought to the injured workers.

I know that in administration the Ministers under the McLarty-Watts Government gave sympathetic consideration to problems that arose under the Workers' Compensation Act; and I have no doubt that the present Minister also gives those matters sympathetic consideration. However, there is such a thing as injured workers receiving these benefits as a right and not being dependent upon the good offices, good nature, or sympathetic consideration of the Minister who happens to be in power at the time they are injured and require that something extra be done.

I think it has been pointed out by various speakers that in the case of medical and hospital fees a medical authority should be set up to judge and make an order when a payment is required to be made in excess of the amounts laid down. In my opinion that is necessary because of the fact that other insurance companies are involved besides the State Government Insurance Office. We know the Minister

has no jurisdiction over those companies. In my opinion the amendment moved by the member for Toodyay is political gerrymandering of the worst type. He is trying to do something politically smart; and attempting to relieve the Government of having to take notice of an expression of opinion of this House.

MR. MAY (Collie—on amendment) [5.32]: I oppose this amendment. Surely the Government and those members supporting it are not of the opinion that we on this side of the House are still in the kindergarten stage! That is what the amendment implies. I was rather amazed that the member for Toodyay should allow himself to be the stooge of the Government in connection with this matter.

Mr. Court: Nothing of the sort!

Mr. MAY: I had other ideas about the member for Toodyay. If the Government is sincere about this amendment, why did not the Minister concerned move it? Everybody in this House, including members of the Government, know that this amendment was moved last year. But what did the Government do in regard to workers' compensation? Not a thing! It was not until the member for Mt. Hawthorn moved his motion that the Minister considered it was necessary to take some political action in connection with the matter.

Mr. Perkins: I made the announcement ages ago.

Mr. MAY: Had it not been for the motion moved by the member for Mt. Hawthorn the Minister would say the same thing next year. Surely he knows that we on this side of the House understand what workers' compensation means to industry. Does any member of the Government believe that the burden of loss of employment, injury, and that sort of thing sustained by workers in industry should be carried by employees and that they should not receive equitable compensation? That is what the Minister's statement amounted to. Surely he does not expect that to happen! I repeat: It is very obvious why this amendment has been brought forward by the Government. It is purely a bit of political chicanery on the part of the Government. No wonder the member for Toodyay was red in the face when he was queried in connection with it.

Mr. Mann: It was sunburn.

Mr. MAY: He must have got sunburnt in this Chamber.

Mr. Toms: Too much hot air.

Mr. MAY: He was not sunburnt when he came into the Chamber this afternoon. I am rather amazed that the member for Toodyay should be caught up in a matter like this. I do not think this is something which the Government should have put across a new member of the House,

particularly when there are older members present, including the Minister and the member for Avon Valley. They could have done this service instead of the Government picking on a brand-new member who does not understand the ins and outs of political procedure to the extent that some of us on this side of the House do.

We remember the attempts made by the present Opposition to have amendments effected to the Workers' Compensation Act. Those attempts were made year after year; but our efforts received scant support from the then Opposition, which now comprises the Government. When the then Opposition did give way on any particular point, it very quickly made arrangements to make sure that the provisions went out of the window in another place.

Year after year we tried to improve the lot of injured workers; and year after year members of the present Government religiously made sure that no such amendments would be carried. Is it any wonder that the member for Mt. Hawthorn took the initiative on this occasion—even though he is a member of the Opposition—to bring forward the question of suitable compensation to injured workers?

Had he not done so, I guarantee no Bill would be coming forward from the present Government. I am sure it had no intention of introducing such a Bill. If the Government was so concerned about injured workers, why did it not introduce a Bill last year? The matter was not mentioned. That is why this subject has been brought forward this year by a member on this side of the House in order to bring it to the notice of the Government. However, the Government has said, "We cannot allow members of the Opposition to get the credit for this. Not on your life! We will have to take some political action." As a consequence, the Government has made the member for Toodyay a stooge in connection with this matter.

Mr. Brand: Get on with the motion.

Mr. MAY: I can imagine the member for Avon Valley being approached by the Government to see if he would do this job. He would say, "Not on your life!" He is too long in the tooth for that!

Mr. Hawke: He would say more than that to the present Minister for Labour!

Mr. Mann: Don't embarrass me!

Mr. MAY: I do not want to do that. Even at this stage I hope that some members on the Government side will realise why the amendment has been moved and will vote against it, as I intend to do.

MR. FLETCHER (Fremantle—on amendment) [5.38]: I wish to oppose the amendment moved by the member for Toodyay. The honourable member stated that he noted with satisfaction the possible introduction of a hypothetical Bill in connection with workers' compensation. I say,

"hypothetical" because we on this side of the House do not know what will be in the proposed Bill; but it is reasonable to assume that the member for Toodyay does. It is also reasonable for the Opposition to adopt the attitude of not noting with satisfaction something it does not know anything about. However, I note with approval the provisions contained in the motion moved by the member for Mt. Hawthorn.

I think each and every one of the points in the motion is commendable. Each point is something for which we have striven for years; and in which we have been frustrated for years. I repeat: I note with approval the contents of the motion moved by the member for Mt. Hawthorn. It contains something concrete—something substantial. Therefore, the member for Mt. Hawthorn is to be commended for introducing his motion.

What has been promised by the Government? We do not know what the Minister proposes to include in the Bill which he says he intends to introduce. Therefore, we would be buying a pig in a poke. The removal of limits on hospital and medical expenses is something which we have tried to achieve for years. Any benefits that may accrue to employees from the provisions we wish to see incorporated in legislation of this nature would not cost the employer very much. There would be some slight increase in the insurance premium to obtain extra coverage for injured workers which the employer would be called upon to pay; but it would represent a very slight impact on industry.

The agitation and hostility of the Minister to the fact that we on this side of the House stole the initiative in introducing this motion, were very noticeable. His hostility is due to the fact that the Opposition has stolen the Government's thunder in that respect. The Minister mentioned that this is a political issue. It is not a political issue; it is an industrial issue. The Minister says it is not urgent and that we should defer it. It is urgent. It is something for which we on this side have agitated for years. On the other hand the Minister would like to push into the background our proposed measures for an indefinite period, but I will not condone that.

I now wish to refer to an article which appeared in *The West Australian* of the 8th September under the heading "Wide Changes Promised in Workers' Act". The article states—

Broad changes would be made to the Workers' Compensation Act during this session, Labour Minister Perkins told the Legislative Assembly last night.

That headline appeared above the points in the motion which is now before us. *The West Australian* newspaper is aiding and abetting the Minister and the Government

by stating that the changes were promised by the Minister for Labour. I suggest that that was done deliberately.

Two working people mentioned to me that it seemed strange that political lollies were being handed out at this stage of the session; and that if the Government wanted to enhance its prospects at the forthcoming election it would wait and hand out those political lollies during the next session of Parliament. The only reference to the member for Mt. Hawthorn in the article was made in very small print. It stated that the Minister was speaking to a motion moved by Mr. W. Hegney (Lab., Mt. Hawthorn) urging comprehensive amendment of the Act. The article did not mention that the points listed were contained in the motion moved by the member for Mt. Hawthorn.

Mr. Perkins: Of course it didn't! I have had them under consideration for months.

Mr. FLETCHER: I am pleased to hear the Minister say that; and I hope they will be contained in the Bill which the Minister says will be introduced. If so, I will commend the Minister. It seems strange that the Minister should be hostile because of the introduction of this motion. He should commend us instead of having the member for Toodyay move his amendment. It seems that the Government wants to keep the credit on that side of the House.

Mr. Perkins: Those are only general statements. I have to bring down a specific Bill.

Mr. FLETCHER: In the meantime, I oppose the amendment because there is nothing concrete associated with it. But here before us we have something concrete.

MR. TONKIN (Melville—on amendment) [5.46]: The amendment of the member for Toodyay is based on the assumption that the Government will introduce a Bill to amend the Workers' Compensation Act. That assumption may or may not be correct. I submit to the member for Toodyay that he has no real reason for believing that the Government will introduce a Bill.

I have read carefully what the Minister said with regard to this, to see whether I could satisfy myself that it is the Government's intention to introduce a Bill. This is what the Minister said—

From time to time I have made announcements of Government policy; and during this session I made a statement that I would be introducing a Bill to the House.

What the Minister really meant to say was that at the present moment it is his intention to introduce a Bill to the House. He does not know whether he will be introducing it or not, because he has already said that Cabinet has made no decision on

it. When it is taken to Cabinet, Cabinet may decide it will not let the Minister introduce the Bill; it may not approve the proposals which the Minister submits. The Minister said this—

I can give an assurance to the House.

Of course, we know what such assurances are worth. We have good reasons for knowing what they are worth. The Minister stated—

I can give an assurance to the House that all of these matters are being considered by the Government.

That does not mean anything. If a member writes to a Minister and puts up a proposition, he will get a reply, "The matter is being considered." That does not mean that anything is going to be done about it. How often have we written letters and received replies to the effect that, "The matter is being considered", and subsequently no action has been taken! And how often have we ourselves replied to submissions to the effect that the matter is being considered; and, after it has been considered, no action has been taken!

Therefore, the Minister's statement does not mean that the Government intends to introduce a Bill. It cannot be construed that way in any shape or form. The Minister continued—

In fact, I do not know at this stage because obviously any recommendations which I may make will have to be decided by Cabinet.

So the Minister is merely in a position that he has an intention of making some recommendations to Cabinet. That is all the member for Toodyay can go on. The fact that the Minister has made a public statement about Government policy does not mean anything. The Premier made a public statement that he would not fire anybody.

Mr. Hawke: I remember that.

Mr. TONKIN: But it did not stop the Government from sacking hundreds. The Premier made a public statement that the State's instrumentalities would be built up and then be put on the Stock Exchange. See how the State Engineering Works have been built up; and the State Building Supplies! That was a public statement; and it is not worth a flick of the fingers.

Mr. Fletcher: Sabotage!

Mr. TONKIN: We now have this gem by which the member for Toodyay moves this amendment on, I say, a completely wrong assumption. The Minister said—and I quote from *Hansard* Vol. 7, of 1960, page 1004.—

I think that he should either withdraw the motion temporarily or else hold it in abeyance until such time as the legislation which the Government is considering at present is introduced.

So it is only at the stage of being considered by the Government. That is all. There is no guarantee that the Government will decide to proceed with it; no guarantee whatever. I am not prepared to accept a statement that the matter is under contemplation by the Government. The Minister also said—and I quote from the same volume, page 1003:—

However, I have made a public announcement that the Government contemplates recognising the possibility that in some cases damage to the lungs by silica dust may not show up in the first three years.

Let us analyse that. "The Government contemplates recognising the possibility". That is, the Government is thinking about it. That is precisely what the Attorney-General said with regard to the proclamation under the Electoral Districts Act. When he said the onus was on the Government to issue it, what he really meant was that the onus was on the Government to think about it, to contemplate it, and then do nothing.

Mr. Fletcher: The same with this.

Mr. TONKIN: That is all that is meant here: that the Government is going to contemplate some amendments. I suggest it would be far better for the House to debate the motion of the member for Mt. Hawthorn; and, if it agreed with the proposals, give a lead to the Government that this is the type of legislation we want.

But the member for Toodyay runs away from it. He will not stand up to a discussion on these proposals; he wants to dodge it. And he proposes to dodge it on an assumption that the Minister will introduce a Bill, when there is no evidence whatever, or any proof, that the Minister will introduce a Bill.

By way of illustration I will show members how we have to take the words that are uttered by Ministers and then put our own value on them. The Attorney-General, on a former occasion, said this—and I quote from *Hansard* Vol. 152 (1959) page 57—

One of two courses has to be pursued.

From my understanding of the English language, that gives no other alternative. There is a distinct obligation that either one course or the other has to be pursued; not that one might think about it or that one might have it under contemplation or might give it consideration. The Attorney-General went on—

There has to be either a proclamation by the Government or a resolution of the Legislative Assembly.

Up to date, Mr. Speaker, you know we have had neither.

Mr. Bovell: You have got proclamation-itis.

Mr. TONKIN: I know the Minister does not like it; but he has got to take it, because he is a party to this deceit and deception.

Mr. Bovell: There is no deceit and deception.

Mr. TONKIN: Yes there is! If a Minister stands up and says that a thing has to be done and will be done, and that the onus is on the Government to do it, does that mean that all the Minister has to do is to think about it, or dream about it? The Minister for Lands has to accept the responsibility for this deceit and deception the same as every other member on the front bench, and every member sitting behind the Government.

Mr. I. W. Manning: There is no deceit behind the Government.

Mr. TONKIN: No; but you are supporting deceit.

Mr. I. W. Manning: We have not been able to find it yet.

Mr. TONKIN: The honourable member would not be able to find anything; I cannot be blamed for that. The cheek of a Minister talking, under existing circumstances, about assurances! How they have the cheek to stand up here and in another place and talk about assurances after the Government's performance already, I do not know.

Mr. I. W. Manning: How the Opposition has the cheek to refuse us pairs after all the pairs we granted, I do not know.

Mr. TONKIN: That utterance of the member for Harvey shows that he has no perception of the true position. The amendment is based on the assumption that the Government will introduce a Bill; and that assumption is based on an assurance which the Minister has given. I am trying to show that no member can place any reliance on assurances given by the front bench.

Mr. J. Hegney: A solemn undertaking.

Mr. TONKIN: And I have good reason for saying that—as we all have. I am going to repeat this so-called assurance of the Minister for Police. He said—

I can give an assurance to the House that all of these matters are being considered.

He means "being thought about," like the proclamation.

Mr. Mann: He is making some progress there, isn't he?

Mr. TONKIN: These matters are being considered: that is the assurance which the Minister gives. But that is not an assurance that the Minister will bring a Bill here.

Mr. Mann: How do you know?

Mr. TONKIN: How do I know? It is perfectly obvious. That is not an assurance that the Minister will bring a Bill here; it is an assurance that the Government will think about it—like its proclamation. But that does not get us anywhere; and it is results we are looking for—not thoughts on the part of the Government.

We have come to the sorry pass, unfortunately, where we can place no reliance on Government assurances, because they are so often abrogated. The one in regard to the proclamation is not an isolated instance. When I referred recently to an assurance given by the Minister for Town Planning in another place last year, the Premier looked at me and asked, "How could the assurance be carried out?"

That is not my responsibility. If it cannot be carried out, the Minister had no right to give it. But he gave it; and what is more, he influenced the votes of members by giving it. But there has been no attempt to carry it out; it is just wiped aside. And so I say that no matter what assurance is given on the Government side, under existing circumstances, until the Government corrects the position, I refuse absolutely to place any reliance upon it, because the Government's performance in this regard is absolutely deplorable.

If we debate the proposals in this motion, we can indicate to the Government whether or not the House believes that these are the lines upon which legislation ought to be introduced; it will give the Government some more things to consider and think about. But to ask us, as responsible members, to defer discussion on this motion on nothing more than an undertaking from the Minister that Cabinet will give consideration to it, and that it has certain things in contemplation, is asking me to do more than I am prepared to do.

I think every member ought to be in the same position. If the Minister would give us a written undertaking that the Government had decided to introduce a Bill it would be a different matter; but all the Minister has decided to do is put certain proposals before Cabinet which Cabinet will consider, and the Bill may or may not come here. The Minister may change his mind; the Government may change its mind, as Governments do with legislation. If that is done there will be no Bill, or there will be a Bill with amendments of such a trivial and inconsequential nature that it will be a waste of time to discuss them.

We are being asked to defer consideration of something of substance for a proposition of that kind—a nebulous proposal which could amount to absolutely naught, and on past experience is likely to do so. Therefore, I urge members to reject the amendment.

MR. HALL (Albany—on amendment) [6.21: Because of the condition of my voice, I did not intend to speak tonight. But when the member for Toodyay moved the amendment I felt that everyone on this side should air his grievances.

Mr. Andrew: And complaints.

Mr. HALL: Just complaints. On looking at the motion moved by the member for Mt. Hawthorn I can see nothing but good in it. If one looks closely at the operations of most of our modern factories today, one sees that they are using the same sort of procedure that is being adopted by the member for Mt. Hawthorn with this motion—that is, the suggestion-box system, where suggestions are put forward for the betterment of industry. In this case suggestions are being put forward for the benefit of workers in industry. There are many features about this matter which I feel sure the Minister would not be acquainted with, and one with which I was associated was the industry of dyeing.

Mr. Roberts: You sound as though that is what you are doing.

Mr. HALL: That industry is not even covered. Take the waterside workers who are handling grain affected by mould. The workers in that industry, and the medical people are particularly worried about this matter, as can be seen from a report in *The Albany Advertiser*. Dr. Lethan visited the port and examined these workers. He spoke of the conditions and what effect they could have on workers in a few years because insufficient attention was being given to them.

Many similar cases could be quoted; and I should like to refer to one in particular, where a widow was deprived of her income because of her son's demise. There was a fatality at the place where he worked; and, because of bad representation—the claim was not submitted correctly—that widow was deprived of her just rights. She would not have been entitled to a full claim, but she would have been entitled to a partial claim. However, she was deprived of it because of bad representation of the case.

The suggestion-box idea put forward by the member for Mt. Hawthorn could have no harmful effects, and the member for Toodyay rather staggered me when he moved his amendment. Had debate on the motion as originally moved by the member for Mt. Hawthorn been allowed to continue many helpful suggestions could have been put forward, and that would have enabled the Government to present a better Bill to Parliament.

MR. BRADY (Guildford-Midland—on amendment) [6.51: I oppose the amendment moved by the member for Toodyay, and I believe he did himself less than justice by moving it. Probably he will realise later on that by doing so he was

not assisting many of his electors, and those who voted for him during the recent State elections. In some respects he has contradicted himself in the amendment he has moved.

I understood him to compliment the member for Mt. Hawthorn who suggested that increases should be made in the sums allowed for hospital and medical expenses; but by this amendment he seems to have contradicted that. His amendment reads—

This House notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act—

We do not know whether those amendments are important, or whether they are worthy of consideration. The amendment goes on—

—with the object of providing improved conditions—

How does the honourable member know about this? Nobody has seen the Bill; the Government has always said that nobody sees a Bill until the second reading is moved. Yet the member for Toodyay indicates that the Bill will provide for improved conditions. But we do not know anything about it, and therefore I can see no alternative but to oppose the amendment. He continues—

—for workers injured by accident (as defined by the Act)—

The member for Mt. Hawthorn has already indicated in the motion that we on this side want something over and above what is defined in the Act. It indicates that the member for Toodyay has not given a lot of thought to his amendment, and for that reason it should be opposed.

I know of a very bad case in my electorate. It is so bad that I hope that when this amending legislation comes before the House—if it comes before the House—the improved conditions will be made retrospective. The young fellow concerned lives in my electorate; and travelling to work one morning, he met with an accident and lost a leg. He sued in an effort to get third party insurance, but lost the case. He was liable for £520 expenses, and he has paid £250 but still owes £270. Because he was travelling to work he could not make a claim under the Workers' Compensation Act. He would have been better off on the dole, or on social service benefits. But because he was going to do an honest day's work to earn money to rear his family he found himself £520 behind scratch; and in addition, he has lost a leg.

That in itself indicates that the time is overdue for the Workers' Compensation Act to be reviewed and workers to be given some semblance of justice. We have heard the Premier say in this House that he intends to introduce certain reforms in regard to child welfare payments to migrant children, because the Grants Commission is penalising the State. I should

like to point out that various industries in the Eastern States are being penalised because this State is not paying the same workers' compensation as is being paid in the other States, and industry and commerce in this State have an advantage over those in the Eastern States. Therefore, if the Government is consistent it will hurry on with the introduction of these amendments to the Act and let us see what they are.

As other members have said, we had nothing in the way of an amendment last year, and there was no indication in the Governor's Speech that anything was intended for this year. Therefore, as an Opposition we have some responsibility to indicate to the Government that we want some early action taken in this matter.

I would remind members opposite, and the electors of Western Australia who may read *Hansard*, that this State would be paying the same compensation rates as the Eastern States if it were not for the existence of the Legislative Council in this State which is not sympathetic to Labor's attitude on these matters. Invariably that House has turned down our proposals.

There is another reason why we would like to see this legislation introduced as early as possible. If it is introduced late in the session, as invariably happens the Bill will be referred to a conference of managers and justice will not be done. As far as I can recollect, since I have been a member of this House Bills to amend the Workers' Compensation Act have finished up at a conference of managers. It would appear that that is done by design; and, as a consequence, the workers of this State are suffering. Therefore, I have no option but to oppose strongly the amendment moved by the member for Toodyay.

Later on, when the amendment is lost—as I hope it will be—I wish to submit a number of cases which have occurred in my electorate in recent months where workers have already spent more than their allowance under the Act for hospital and medical expenses. They are personally responsible for the excess payments even though they are working in industry, and have incurred their injuries in industry. They are working to produce goods which will help to improve the economic position of this State, but they have to carry personally any payments in excess of £100 for medical expenses and £150 for hospital expenses.

It is wrong for the member for Toodyay to move an amendment of this kind. As I said, even in his own interests, and particularly in the interests of the many hundreds of workers in his electorate who are working in the brickyards, the railways, the quarries, the fruit-growing industry, and in various other industries, he should support the motion moved by the member

for Mt. Hawthorn. By moving this amendment he did himself less than justice. Instead of helping the Government by moving the amendment he has highlighted the fact that the Government has done very little about improving the Workers' Compensation Act, which is long overdue for amendment.

One has only to go through the Act—as I have done tonight to refresh my memory—to see that a horse and cart could be driven through most of the sections dealing with concessions, or alleged concessions, which are given to workers. Many aspects of workers' compensation are not covered at all, such as travelling to and from work. I mentioned that aspect earlier.

I know the case of another man who, while going to work, was killed. His widow could get nothing because it was said that the worker was not on the factory premises when he was killed. But he was on the railway line which led into the factory, and there was no other way for him to travel to work. But the widow got nothing in that case, which was contested and finally went to the Full Court. The man concerned was a very keen worker and a good family man; but his family was denied justice because of the wording of the Act.

When I speak to the motion itself, after the amendment has been lost, I intend to quote a half dozen other cases. I know of chemists in my area who are carrying the baby; they have supplied £30—and others could reach £40 and even £50—worth of goods, and they have Buckley's chance of getting the money, simply because of the wording of the Act, which restricts the amount allowable for medical benefits.

Hospital charges are increasing; and the sum of £150 which might have been sufficient four years ago, when that figure was put into the Act, is not sufficient now, because £150 today would only buy what £100 bought four years ago. The price of everything has gone up, and returns from goods marketed overseas are higher than they used to be. As the workers produce those goods, their benefits under workers' compensation should be increased.

I oppose the amendment and hope that the motion put forward on behalf of this side of the House by the member for Mt. Hawthorn will be carried, so that the Government will be seized with the necessity of doing something at an early date to amend the Act.

Sitting suspended from 6.15 to 7.30 p.m.

MR. ROWBERRY (Warren—on amendment) [7.30]: I have read very carefully the amendment moved by the member for Toodyay. In reply to some allegations made by interjection to the effect that the Attorney-General could have been responsible for the framing of the amendment, in

my opinion the wording of the amendment does not do the Attorney-General justice. The reason I came to that conclusion was that not a sentence in the amendment begins with a conjunction; therefore, the Attorney-General could not have framed it.

Mr. Watts: I am glad you arrived at that conclusion.

Mr. ROWBERRY: I believe the Minister for Transport concocted this amendment, because it reads very much like his composition. He believes in being realistic, but he gives us no foundation for his realism. I advise the member for Toodyay to examine very carefully any material given to him by the Minister for Transport in the future.

If there is one Minister against whom this allegation could be levelled for contributing something to the amendment, it is the Minister for Industrial Development. The amendment states—

This House notes with satisfaction the Government's intention to introduce amendments to the Workers' Compensation Act with the object of providing improved conditions for workers injured by accident as defined by the Act, arising out of or in the course of their employment—

Here we find the cold, clammy hand of the Minister for Industrial Development—

—without imposing excessive cost upon industry.

It has been amply demonstrated in the debates in this House that industry does not bear the impact of increased costs. It passes them on to the consumer. In this case the increased cost of workers' compensation will be passed on to the community at large. I cannot imagine for one moment that industry will bear this increase itself.

Mr. Craig: What about the farmer who has to meet his increased costs?

Mr. ROWBERRY: The farmer may be in a peculiar predicament. As the honourable member has several farmers in his electorate, I have no doubt he was thinking about them when he moved this amendment. The principles of workers' compensation denote that the welfare and security of the worker in industry, are the first charges upon that industry. The motion moved by the member for Mt. Hawthorn contains principles which satisfy my opinion of what workers' compensation ought to be, especially the portion of the motion which seeks to remove the limitation on hospital and medical expenses.

I want to refer to one case I know of personally. This afternoon I visited a neighbour of mine who has been in hospital since last Christmas. He suffered an accident which was almost fatal on the day before the last Christmas breakup, and 80 per cent. of his time since has been spent in hospital. He has now expended

all his medical and hospital allowances provided under the Act. He has a wife and four children. His worry over his ability to meet the expenses when he comes out of hospital is delaying his recovery.

For that reason I submit in all honesty and sincerity that the motion should be supported, and the amendment should be opposed. The amendment amounts to nothing; it is composed merely of words, words, and words. Someone has taken the trouble to calculate that up to the present about 3,500,000 words have been spoken in this Parliament this session.

Mr. Mann: Spoken by members on your side.

Mr. ROWBERRY: About the best contribution made by the honourable member to the number of words spoken in this Chamber was the interjection by him when he said, "Well, well, well."

Mr. Watts: At least he has not been responsible for contributing very much to the 3,500,000 words.

Mr. ROWBERRY: As the member for Albany suggested, one of the functions of government is to listen to suggestions made in this House. By doing so the Government will not reduce its status; on the other hand, it will be enhancing its status if it listens to the words of wisdom from members on this side. One of the true criticisms which has been levelled against this Government is that it will not listen to suggestions. It seems to adopt an attitude similar to the divine right of kings. It thinks, "We are the Government. We will do what we like. We can do no wrong." That appeals to the Premier. The Government ought to listen and pay due heed to the words of wisdom coming from members on this side.

It has been said that we have put forward suggestions merely as propaganda. I suggest that propaganda serves a legitimate purpose in a properly-constituted Government and a properly-constituted democracy. Propaganda can be honest, truthful, and sincere. I believe the purpose behind the member for Mt. Hawthorn in putting the motion before the House contained all these attributes. I oppose the amendment.

MR. ANDREW (Victoria Park—on amendment) [7.40]: I am wondering why the Government engineered this amendment to the motion moved by the member for Mt. Hawthorn. I do not know whether these tactics are in the Government's interests, because quite a number of members spoke to the motion and only a limited number remain to speak on it. By getting one of its junior supporters to move an amendment, the Government is opening up the whole debate and thus allowing members who previously spoke to the motion to enter the ring once again and make further contributions.

In my opinion, the Government did not use good tactics. The member for Toodyay amazed me when he moved the amendment; because, until he moved it, he made quite a good speech in support of the motion. He supported everything in the motion and submitted arguments that the motion warranted support in Parliament; but before he sat down, he moved his amendment. If a person had any logic he would not support a motion and then move an amendment to it. That was what the honourable member did. Let us see what the amendment amounts to.

There is something concrete in the five paragraphs of the motion, but there is nothing concrete in the amendment. It starts off by saying that this House notes with satisfaction the Government's intention to introduce important amendments with the object of providing improved conditions to workers. He is in favour of the improved conditions in the motion, yet he moved the amendment.

Mr. Craig: Not to the full extent.

Mr. ANDREW: He has only one small proviso to the amendment; that is, if those improved conditions do not impose excessive costs on industry. I suggest there would be no excessive costs to industry. As we all know, workers' compensation Bills have been debated in this House on numerous occasions. I want to quote some figures which were published in the *Monthly Review of Business Statistics* relating to the years, 1955 and 1956. These are the latest figures in regard to the cost to employers. The article states that for the year 1955 premiums paid to insurance companies amounted to £13,213,000 on wages amounting to £800,000,000, and the compensation paid was £6,232,000. The compensation paid under the *to-and-from* clause was £489,000. For 1956 the premiums amounted to £14,283,000 on wages which reached £880,000,000 odd. The compensation paid was £6,949,000, while the compensation paid on the *to-and-from* clause was £520,000.

That illustrates that in the State I am quoting—New South Wales: the only State about which I could obtain any figures and in which the *to-and-from* clause operates—the gross figure for 1956 was £6,981,000 to the insurers. The profit in 1956 was over £7,000,000 to the insurers. Therefore I cannot see how any burden would be placed on the employers when the amount paid in premiums is over double that paid in compensation. That fully covers the proviso outlined by the member for Toodyay. Therefore he should support the motion. As a matter of fact, his remarks made one think he was going to support it.

Has he any objection to the provision in the motion concerning the limit on hospital and medical expenses? I know of a young fellow who lost his leg, and his

hospital expenses amounted to £750 because complications set in. First of all the doctors were not going to remove his leg; then they removed it below the knee. Ultimately, after quite a few months had passed, his leg was removed from above the knee; and, as I have said, his expenses were over £750. Yet what allowance is payable? Then it was £150; and I understand it is now £174.

I also know that many doctors have stated that they keep the medical expenses down below £100 on workers' compensation cases because they have said that they knew if they did not do so the workers they were treating would have to pay a big proportion of the amounts themselves.

I have mentioned a case from Victoria Park before, but it is worth referring to again. A well-known man who worked in a certain occupation which brought him in touch with the public, lost his leg. Complications set in and he was a long time off work. He should have received £1,100 for the loss of his leg, but it was all spent in expenses of one sort and another, and he did not receive a penny.

That is how the compensation Act works today, and we are endeavouring to rectify the position. The member for Toodyay agrees that we should; but after telling us so, he moved an amendment. If he had his way, we would be placed in a blind spot. We do not know what provisions the Minister intends to introduce; therefore we do not know whether the suggestions in the motion moved by the member for Mt. Hawthorn will be included. However, the member for Toodyay says, "Trust the Minister, because he will do an adequate job", or words to that effect. Actually, I do not know whether he did mean that, and I am doubtful whether he knew what he meant himself. I believe that his party instructed him to move his amendment, so he had five bob each way. He praised the motion and then tried to undermine it. If he votes in accordance with the way he spoke, he will support the motion and not his amendment.

We know of many grave injustices which are being inflicted on workers under the Workers' Compensation Act. We read every week of people who have accidents and who apply to the civil courts and obtain anything from £15,000 to £25,000; and I remember reading of one case of £34,000. I think that the other day a lady who had lost her husband received £15,000; but had she been applying under the Workers' Compensation Act, she would have received only about £3,000, which is the amount provided for a wife whose husband is killed while at work. Yet we are asked to forgo our motion and support the amendment. I do not know how the member for Toodyay can ask us to do that, because we know the policy of the members of the Government in the past.

When I first came into this Parliament, the compensation for a dependant of a person killed while at work was £1,750. The Labor Party introduced a Bill for the purpose of raising the amount to £2,800, and that measure was bitterly opposed by the parties which form the Government today. We did manage to have the amount raised on that occasion to £2,250. We have had several bites since, and ultimately it was raised to the £3,000 mark. How can we, if we leave this matter to the Minister, expect that the policy of the Government will be any different from that which it has been in the past?

There is no doubt that a grave injustice is done to workers when there is a limit placed on the amount of hospital and medical expenses they can receive under the Act. Why should a worker have to pay a portion of the expenses himself when he is injured during his employment?

In actual fact, a differentiation is made between workers. One who suffers a disability through an accident receives the full benefit of his compensation when no complications arise and he is able to be brought back to health comparatively quickly. However, because a worker suffering from a similar accident is not so fortunate and is involved in complications, all his compensation money is spent on medical expenses and suchlike, and he receives for himself not one penny.

There is no justification for a limit being placed on the amount of hospital or medical expenses a worker should receive if he is injured during his employment. In the legislation which the Labor Party introduced, provision was made for the Compensation Board to be the adjudicators in regard to the expenses.

I do not believe that anyone could rightly object to the second provision in the motion which is for the removal of the restriction of three years in the matter of claiming compensation for industrial diseases. I think the member for Leeder-ville would agree modern research has proved that many diseases do not become manifest until after three years has elapsed. For that reason I do not see that any member with a sense of justice could oppose that provision.

The third provision in this motion, which I am supporting, is for an insurance cover to be provided for workers travelling to and from their places of residence and employment. That provision already exists in a number of States in Australia; and whether this Government likes it or not, ultimately it will be incorporated in the workers' compensation legislation in this State. That is because it is being recognised that the workers should receive compensation for injuries sustained while travelling to or from their places of employment.

Mr. Crommelin: It could be a long while.

Mr. ANDREW: As a matter of fact, the amount paid out in compensation under this clause in New South Wales, the State about which I was speaking before, is infinitesimal.

I have already referred to the fourth provision dealing with the substantial increases in compensation and other payments referred to in the Act. They definitely are far too low at the moment; because under the civil tribunals of this and other States, people suffering from the same disabilities receive two, three, and four times as much as people claiming compensation under the Workers' Compensation Act. If we approach this matter with any fair sense of judgment, we cannot fail to support that provision.

The fifth provision—that for more reasonable treatment for incapacitated workers in certain circumstances—is very important. It may not seem very important, really; but again I can quote a case about which I personally have some knowledge. A man was hurt, and the doctors stated that he had a 40 per cent. to 50 per cent. permanent injury. Because of that injury, he could not obtain a job. I was in contact with him for quite a while and he received £1,100—if I remember rightly—in compensation.

I then made some inquiries from the Commonwealth Employment Service and was informed that he could not receive any unemployment benefit because he had obtained the £1,100. Therefore it meant he had to keep himself on that money until it cut out before he could obtain any unemployment benefit. I believe he should have received the same treatment as a person would receive if he went to a civil court. I have not seen that person for some time, but I hope he has improved sufficiently physically to have obtained employment.

One of the points raised by Government members has been that the employers could not stand the payment of more generous compensation. However, employers actually do not pay the compensation themselves. As everyone knows, they pay premiums to the insurance companies; and at present the rate of premium is, as I have mentioned earlier in my speech, nowhere near the lesser amount paid in compensation. If any increase in premiums was required, it would be only a small one. Therefore the submission of members in that regard falls to the ground.

I know the member for Toodyay has been used on this occasion. He has not had the experience of other members who have been in the House longer. I hope his amendment will not be carried, and that when he himself is voting he will do so along the lines of his speech.

MR. SEWELL (Geraldton—on amendment) [7.58]: I oppose the amendment because I think it is unnecessary. I agree with the other speakers who have stated that the motion moved by the member for Mt. Hawthorn should be carried. In my opinion our compensation Act is lagging behind those existing in the other States. The Minister has told us now that it is the intention of the Government to introduce amending legislation. However, I cannot see any reason why the House should not pass the motion of the member for Mt. Hawthorn. It would perhaps expedite the Government's work in preparing the Bill to amend the Act.

We have heard various speakers on this side of the House mention the difficulties in which workers find themselves after being injured in the course of their employment. We could continue quoting such cases, and I would like to mention briefly the trouble that workers in the wheat industry have experienced in manning silos. Some of the workers, after being on the silos for some time, suffer from chest complaints that are not compensable under the Act. We also have the case of men working in mines. I come across mineworkers in my district, although not in the same proportion as do members representing the goldfields areas.

The matter of injury sustained by workers when travelling to and from work has always struck me as being something that should be regulated by statute. I do not think it is any credit to the present Government to know that when it was in opposition it continually opposed any provisions we tried to have included in the Act to allow men travelling to and from work to be compensated when injured during such travelling.

Recently in Geraldton an employer at 5 p.m. one day ordered a man to be back at work at 6 o'clock. This man went home on his bicycle and had tea; and when he was returning to his place of employment about 6 o'clock, he was knocked down by a utility and died from the injury he then sustained. His family received no compensation for the death of that man.

Those of us who do the work of workers know that nearly every day somewhere a breadwinner is killed on the job because of accidents in connection with machinery and so on; but we find that the amount of £3,000 compensation due to the widows and families—even though it might sound a lot—is not a great deal when the breadwinner is lost and the widow is left to fend for herself and perhaps three, four, or five young children. The sum of £3,000 would hardly buy a decent home at present prices. That is why we on this side of the House support anything that will improve the lot of the workers who are injured or killed at their work.

We have heard before, from some of those who are Ministers today, the old parrot cry that industry cannot afford to pay any more to those workers and their dependants. I say that industry can and must pay more, because there is nobody else to pay it; and surely to goodness in a country like this the least we can do is to see that the widow and children of a deceased worker are properly cared for; or that a person totally incapacitated at work receives reasonable and fair compensation for the injuries received! I oppose the amendment.

MR. CURRAN (South Fremantle—on amendment) [8.41: I oppose the amendment, and support the motion moved by the member for Mt. Hawthorn. I was surprised to hear the Minister treat this matter so lightly and say there was no great urgency regarding the introduction of legislation of this kind. If he believes there is no great urgency, then the amendment becomes a complete sham. Let us look at the amendment. It has nothing concrete attached to it; it just states that there are intentions. Does that mean there are intentions now, next month, or next year; or are the intentions to become a plank of the platform at the next election campaign? That is the situation with the amendment at present.

I have no intention of doubting the sincerity of the member for Toodyay, because I understand that he is a comparatively new member like me. But I cannot say the same for his colleagues in another place who have repeatedly over the years thrown out of the window legislation dealing with proposals similar to those mentioned in the motion moved by the member for Mt. Hawthorn. I speak on behalf of a large working-class electorate; and all the workers in that area are greatly concerned about the need for amendments to the Workers' Compensation Act.

Mr. Crommelin: Are the waterside workers concerned with the rolling strikes that they carry on?

MR. CURRAN: I will come to that in a moment. Now that the honourable member has mentioned waterside workers, I point out that I represent them as a spokesman in this Chamber, and I can tell the honourable member that the waterside workers' industry has the highest accident rate in the Commonwealth. I defy any member here to contradict that statement, because it received wide publicity not only in *The West Australian* but in newspapers in other States.

I wish to speak on the question of covering workers travelling to and from work. I can quote an incident that took place on the waterfront. A man was severely injured about five yards from his place of employment. Those five yards separated the ramp proper from the main highway. The

man was receiving cargo on the ramp; and immediately after the whistle had blown, he stepped off the ramp and proceeded to get his bicycle from the other side of the road where it was standing in the rack, and he was injured severely by a truck.

It took 12 months to establish that that man was injured in the course of his employment, because it was considered that he was injured on a public highway. It was only by accident, the Harbour Trust having gates across that thoroughfare, that the Harbour Trust became liable for compensation under the Act. Had there been no gates so that the thoroughfare could not be closed to traffic, that man would not have received one penny of compensation. That is an example of what can happen if a man is not covered under some provision dealing with a worker travelling to and from work.

Let us have a look at Dalgety's wool stores which are situated on one of the busiest highways in Fremantle. Going from the wool stores to the traffic bridge there is a continual stream of traffic along the main highway, and the workers have to walk across that highway.

I wish now to deal with the question of hospital and medical allowances. If any member doubts what I am about to say, I can supply proof. We have had a number of examples of workers who have received a percentage disability, and have exhausted their hospital and medical allowances; and then they have had to pay for treatment out of their own pocket and return to work with a permanent disability that was sustained during their employment.

What is going to happen? Does the Government propose to delay the introduction of a Bill until we become the last State to bring this legislation up to date? There are three States which have put their Workers' Compensation Act into a more humane form by providing for compensation for workers injured in the course of travelling to and from their employment. But evidently the Minister is going to wait until Western Australia is the last State to improve its conditions.

If we have sympathy for the workers, as expressed by the member for Toodyay, we should not be persisting in an amendment to the motion. The honourable member expressed so much sympathy that he should support wholeheartedly the motion moved by the member for Mt. Hawthorn.

I wish now to speak about the suggested increase from £3,000 to £4,000 to bring this matter into line with the provision in the Workers' Compensation Act of Tasmania. I have a sheaf of letters which I showed to the member for Mt. Hawthorn, describing the situation that exists in Western Australia. I wish to refer to a Mrs. Parrin of Spearwood whose husband was killed

on the waterfront. This woman received £2,999 and some shillings. Mrs. Parrin does not speak English; neither does she write nor understand English. When she received her final settlement, she was confronted with a bill for £53 for funeral expenses.

That gives some idea of how ignorant people can be played on; and it shows how unjust the present provision is in regard to the dependants of a man killed in the course of his employment. If the amount had been raised to £4,000, the widow would at least have received some compensation. But she evidently finished up £53 in debt after the Housing Commission had taken its proportion and other creditors had taken theirs.

I hope the Government will take cognisance of the proposals that have been put forward tonight; but I believe it will show solid resistance to them, because I think it is not the intention of the Government to amend the Act. At least I believe it will keep up its sleeve the amendments it proposes until such time as it is able to win the sympathy or confidence of some misguided people by including these proposals as a plank in its platform at the next elections.

MR. NORTON (Gascoyne—on amendment) [8.12]: I spoke in favour of the motion, and I feel it would not be right to let the opportunity pass without opposing the amendment. By agreeing to the amendment to delete the words mentioned by the member for Toodyay, we would be acting contrary to what I supported previously.

When the member for Toodyay spoke on the motion, one would have thought he was totally in favour of it with the exception of one small item, that item being the removal of the limit of hospital expenses. The honourable member did not agree with the total removal of those expenses, but he did agree they should be lifted; he agreed that the hospital expenses were far too light. If that was his main objection, and if he was interested in looking after the employers, as he said, then he could easily have moved to amend the motion by including some limits.

I point out to the member for Toodyay that the Minister, when speaking to the motion, said that only .03 per cent. of insurance cases exceeded the statutory limit for medical and hospital expenses. That means that in any one year there would be approximately only 25 injured persons who exceeded the allowance. So, spread over industry throughout the State, there would not need to be a very great increase in premiums, if any at all; because the insurance companies do not operate at a loss; and, as we know, the State Government Insurance Office shows quite a considerable profit.

Several times the Minister has made play about *ex gratia* payments to insurance cases. That might sound all very well to a person who does not realise just what it means. Who pays the *ex gratia* payments? Is it only the State Government Insurance Office, or are they paid by all the insurance companies? If they are paid only by the State Government Insurance Office, it means that only a small percentage of workers whose medical and hospital expenses exceed the limit allowed under the Act would receive *ex gratia* payments. I am certain that *ex gratia* payments are made only by the State Government Insurance Office. Therefore, the Minister has been very misleading in using the term.

A motion such as that moved by the member for Mt. Hawthorn should be welcomed by the Government and its Ministers because it gives members on both sides of the House an opportunity to put before the Minister recommendations for amendments to the Workers' Compensation Act and, in particular, those items which are set out in the motion. It also gives members an opportunity to put before the Minister the reasons why such amendments should be made.

It affords an opportunity to his officers and to those employed in private insurance companies to study such proposed amendments; and if necessary to submit to the Minister valuable information concerning them. I am sure the Minister must agree that even during this debate several members have cited individual cases which could be quoted as examples in support of amendments being made to the Act.

Mr. Perkins: I do not think that one case has been mentioned about which I would not have some evidence, or evidence of a case similar to it.

MR. NORTON: I will challenge the Minister's statement by referring to a case in Carnarvon. I mentioned it briefly in my previous speech. I have also discussed it with the member for Leederville; and, as far as I can find out from medical men, it is a case which is the only one of its kind and is not referred to in the medical textbooks. I will not go into the details of that case now, because they are very long and complicated; but if the Minister wishes to know more about it I will be willing to submit to him all the information; and, further, I can supply him with the names of the doctors who can substantiate the facts.

Mr. Perkins: That case would be known to the Workers' Compensation Board.

MR. NORTON: For all I know, it may or may not be.

Mr. Perkins: It must be.

MR. NORTON: It was a private insurance company case; and once the limit allowed for medical and hospital expenses

has been reached—as it was in this case—a private insurance company would not worry about making an *ex gratia* payment. It would do only what was required of it under the Act, and then wipe its hands of the case. It would not know the final result of this particular case, because the final result was that the man lost his leg. The extra time he spent in hospital and the additional medical and hospital expenses incurred were not inquired into. That man was not compensated for the maximum expenses incurred as a result of the injury to his leg, or the loss of it; the company merely paid as little as it could to settle the case.

After completing my speech the other night—which I curtailed somewhat after the Minister assured us he would introduce a Bill—I was looking through the second schedule to the Act; and I found that if a person loses his right arm, such person receives more compensation than a person who loses his left arm. Why should this be? A man could be either left-handed or right-handed. He could also be ambidextrous and therefore, to him, each arm would have the same value. Also, if a person is left-handed, such person should be paid the same compensation as would be paid to a right-handed person who lost his right arm.

Mr. Watts: That is what the Act has provided since 1945.

Mr. NORTON: As I read the schedule, it definitely stipulates the left and right arm and provides for different amounts of compensation for each.

The Minister stated that if we waited only another month he would bring down a Bill. We are now getting towards the end of September; and by the time the Minister has introduced his Bill we will be approaching the end of October. The members of the House—particularly the Government members—will be looking forward to the House rising at the end of November. Therefore, what time would the Minister have to introduce his Bill and have it debated in the House? Also, if he did introduce it, no time would be left to introduce other amendments.

As you know, Mr. Speaker, members on this side of the House cannot introduce a private member's Bill to amend the Workers' Compensation Act because such a measure would require a Message from His Excellency the Governor. Therefore, only a Minister of the Crown can introduce such a Bill. By continually delaying the introduction of the Bill, the Minister is not giving this House, the workers, or anybody else, a fair chance of studying the proposed amendments, and of having ample time to criticise them, and perhaps request the inclusion of other amendments.

MR. TOMS (Maylands—on amendment) [8.22]: I also raise my voice in protest against the amendment moved by the member for Toodyay. To me, it seems rather despicable that a young member of this House, who has never heard a debate in this Chamber on workers' compensation, should be the one chosen to move an amendment against the proposals which we on this side of the House, year after year over a considerable period, have tried to have incorporated in the Workers' Compensation Act. I am beginning to wonder how far the Government is prepared to go in playing party politics, because this is nothing else but that.

Mr. Court: Coming from that side, that is really humorous.

Mr. TOMS: It is mighty fine hearing a statement such as that coming from the Minister for Industrial Development. I have been a member of this House long enough to have seen him sitting on this side of the House, and he is just about the last one who should make such a statement.

I was hoping to have an opportunity to discuss fully the motion moved by the member for Mt. Hawthorn. However, I do not propose to delay the House tonight, because I feel the Government is adopting, more and more, the Gilbert and Sullivan touch with many of its actions. As one who has come from active industry I find it rather frustrating when we are prevented from attempting to do something for the benefit of the working class of this State by increasing the payments made under the Workers' Compensation Act, which increases have been necessary for many years. Anybody who has studied the schedules of the Workers' Compensation Act would have realised that the payments allowed under those schedules do not in any way compare with today's costs and values.

In New South Wales, in 1954, a provision was inserted in the workers' compensation legislation in that State for compensation to be paid for deafness caused in industry. Yet in Western Australia, in 1960, no such provision exists in our Act: not because members on this side of the House have not attempted to get that provision put into the Act, but because the powers that be in another place—as indicated by the member for South Fremantle—did not give the question proper thought; otherwise they would not have left the Act so wide open.

In my electorate there is a man who retired from the railways about two or three years ago, and who is suffering from boilermaker's deafness. He has attended about five general medical practitioners and three specialists, all of whom are prepared to vouch that his deafness has been caused in industry. This man is in the best of condition so far as his general health is concerned. He has tried all sorts

of hearing aids, but none has proved effective. As a result, he is ostracised from society, as it were, merely because he followed a particular vocation, and has contracted that disability after serving many years in industry.

The amount of compensation paid for deafness could not be too high, because every member in this Chamber can realise what it would be like to try to lip-read or to converse with hand-movements. Yet the position in regard to deafness so far as our Act is concerned is as I have outlined. When the Labor Government was in office it tried, on many occasions, to have these extra disabilities written into the Act; but as the member for Toodyay would not know, we saw all our attempts frustrated.

Mr. Watts: Do you say there is no provision for compensation for deafness in the Act?

Mr. TOMS: There is no provision for boilermaker's deafness; but it is deafness whether it is boilermaker's deafness or any other kind of deafness.

Mr. Watts: I should think so. I know that deafness is definitely placed in the schedule.

Mr. TOMS: I have a letter here from the Minister for Railways which explains the facts of the case I have just quoted. The Minister's letter is dated the 18th January, 1960, and it reads as follows:—

Dear Mr. Howden,

My apologies for not answering your 27th December, 1959, letter earlier than this.

Following your representations to me in September, I had the question of your request for a claim in respect of your hearing carefully examined but I am afraid there is nothing I can do to assist you.

You will appreciate that each of these cases has to be determined in accordance with the current Awards and relevant Law and as far as I can see, no provision is made for a claim such as yours to be admitted.

I will further discuss the matter with the Commissioner during the next few days but I cannot hold out any hope of a claim being established.

Whilst I appreciate your position, I am afraid it is not possible to treat your case as a special one. In a service as large as the W.A. Government Railways, the question of precedent is very important for reasons which you with your experience in the Railways will appreciate.

I have tried to indicate that we on this side of the House, if we could accept the assurance of the Minister—which, as the Deputy Leader of the Opposition has indicated, is not worth very much—that he will introduce a Bill to amend the Workers'

Compensation Act, would be very pleased indeed to see the introduction of such a Bill embodying the five principles contained in the motion moved by the member for Mt. Hawthorn.

After the member for Toodyay took the adjournment of the debate, and before he moved his amendment, I had high hopes that he would support the motion. In fact, he dealt with every paragraph in the motion moved by the member for Mt. Hawthorn apart from the *to-and-from* provision. His words were such that they led one to believe he intended to support the motion. Then, of course, in front of him was placed a little bit of paper—and I would not believe that the member for Toodyay was the author of it; and subsequently he moved his amendment and dumbfounded me with his following remarks. I doubt the sincerity of the Government in this move; and with every other member on this side of the House, I oppose the amendment.

MR. BICKERTON (Pilbara—on amendment) [8.30]: I oppose the amendment moved by the member for Toodyay, because I think it is a party-political manoeuvre intended to drown the original motion put forward by the member for Mt. Hawthorn. There is nothing at all wrong with the original motion; and if it were against the Government's grain to accept it, the Government should have voted against it. But it seems to have taken a rather childish course in this matter, and cooked up an amendment which, in actual fact, makes the original motion quite ineffective.

The member for Mt. Hawthorn has been very specific with the points he has outlined, as to what he considers would be of assistance to the Workers' Compensation Act; and I think the majority of members in this House, regardless of the side on which they sit, if they were to be quite truthful would agree that those points would be an advantage if they were incorporated in the Act. However, the Minister, who says it is his intention to introduce a Bill, apparently felt in his own mind that if this motion were carried, it would take the credit away from him of making worth-while amendments to the Workers' Compensation Act, and would give that credit to the member for Mt. Hawthorn.

So possibly the object of the member for Toodyay in securing the adjournment in the first place would have been to enable the Government to save face by handing to the member for Toodyay an amendment which in actual fact would take the initiative back to the Government side rather than leave it with the Opposition. That is the way I view it.

Mr. Nalder: It sounds as though you are an old hand at this.

MR. BICKERTON: If the Minister for Agriculture could assure me I am incorrect, it would surprise me. It is a childish thing

to do; because the motion moved by the member for Mt. Hawthorn is very solid, and the matter it brings before this House to be included in the Workers' Compensation Act should be incorporated in that Act. The Government would probably agree with it, but does not seem to want to admit that at this stage.

The very fact that the Government did not defeat this motion is a sign that my assumptions are correct. I do not believe that the amendment itself is a very good one, because it expresses satisfaction at what the Government is doing before the Government has actually done it. I think that is the main weakness in the amendment. If that course were to be followed with regard to all matters in this House, then whenever a Minister introduced a Bill, or gave notice of his intention to do so, one of the back-bench members on the Government side would get up and express satisfaction at the Government's having done so.

I have not much more to say except that I think the action of the Government in moving this amendment for the sole purpose of killing the motion put forward by the member for Mt. Hawthorn was rather childish.

MR. HAWKE (Northam—on amendment) [8.34]: The Minister for Labour gave as his reason for supporting the amendment, and therefore for opposing the motion, the viewpoint that the amendment is realistic and the motion unrealistic. Let us examine briefly this claim by the Minister. What does the amendment contain that is realistic? In my view it does not contain anything at all that is realistic. The amendment states that this House notes with satisfaction the intention of the Government to introduce important amendments to the Workers' Compensation Act. It then goes on to make some reference to the ability of industry to bear such additional charges as these foreshadowed, or which talked-about amendments might impose.

Can the member for Toodyay, who moved this amendment, name one important amendment which this talked-about Bill will introduce into Parliament? Can he name one? I invite him to name one.

Mr. Fletcher: He knows some, but he will not name them.

Mr. HAWKE: Can the Minister name one?

Mr. Perkins: I will name them when I introduce the Bill.

Mr. HAWKE: Of course the Minister will name them when he introduces the Bill. However, I am dealing with the claim by the Minister that the amendment put forward by the member for Toodyay, and the additional amendments foreshadowed by him, are realistic, while the motion is unrealistic. I am inviting the Minister to

indicate to what degree the amendment is realistic. He is not able to do so. The member for Toodyay has not even mentioned one important amendment which the Government might introduce into Parliament; so obviously the amendment is not realistic at all. It is just a shell; just a shadow. There is no substance in it at all.

When the Deputy Leader of the Opposition spoke he was able to quote from what the Minister said to this House a few days ago, in relation to a possible amendment which the Government might decide to introduce into Parliament this year. The Deputy Leader of the Opposition was able to show clearly that Cabinet, up to that stage, had not even considered any suggested amendments from the Minister for Labour; and certainly had not decided for or against any of them. So obviously there is no substance, and no reality at all at this stage, in the amendment moved by the member for Toodyay, and the one foreshadowed by the Minister. There is no substance and no reality in them.

Yet the Minister for Labour has the hide to stand up and tell us that he chooses the amendment moved by the member for Toodyay in preference to the motion moved by the member for Mt. Hawthorn, because the amendment has reality in it. I again invite the Minister to indicate where that reality is in the amendment. His silence shows very clearly that he knows in the back of his mind—right at the back of it—that there is no reality at all in the amendment.

Mr. Perkins: It deals with something that the Government is going to do. The motion of the member for Mt. Hawthorn is only a collection of words.

Mr. HAWKE: I will deal with the motion of the member for Mt. Hawthorn in a moment. At the present time I am examining the spurious claim by the Minister for Labour that the amendment has reality.

Mr. Perkins: I think it has.

Mr. HAWKE: I think what I have said indicates very clearly that there is no reality at all in the amendment.

Mr. Perkins: I am sorry I cannot agree with you.

Mr. HAWKE: I am not expecting the Minister to agree; I am trying in a logical manner to prove that the amendment has no reality; and therefore to indicate that the Minister's claim, which is the basis of his choice, is one which has no substance in it at all. Accordingly the Minister's reasoning in the matter is not logical, even though he may stick to his claim from now till Doomsday. We know that he is that type of person.

The motion moved by the member for Mt. Hawthorn does deal with issues which are either already covered, to some extent, in the Workers' Compensation Act, or are

directly related to the injuries which working people suffer in the course of their employment, or arising out of their employment. The motion deals firstly with the question of the prevailing legal limit on hospital and medical expenses. I think we might all agree that the existing limit is too low; that it is far too low.

I am not one of those who would advocate or support an action which would give all doctors the right to write their own ticket, as it were; to charge whatever they pleased or decided upon without any limit, as their fees to a worker who was injured on the job, and who was covered by the provisions of the Workers' Compensation Act. However, the existing limit should be very substantially raised. If it were removed altogether, then there should be some tribunal with legal power to check and, where thought fair and just, to cut down the medical accounts which might be tendered in particular cases. The same principle could apply in regard to hospital expenses; although I should hope there would be very few, if any, hospital managements in Australia which would seek, financially, to exploit a situation in which the patient concerned was a patient injured during the course of his employment, and who came under the provisions of the Act we are discussing.

The next point dealt with in the motion moved by the member for Mt. Hawthorn has to do with an existing legal restriction of three years in relation to claims for compensation under the Act in respect of industrial diseases. I understand the Minister for Labour himself agrees that some action is necessary here. Accordingly there is no further need to discuss the second item in the motion.

The third item in the motion covers the question of providing workers' compensation for employees who are injured on the way from their homes to their employment; or on the way from their employment to their homes. It has been pointed out that this principle of compensation already operates in at least one other State of Australia. The fourth item in the motion deals with the question of a substantial increase being required and justified in connection with payments now payable under the Act in relation to various injuries and disabilities, including all the payments which are provided for at present in the various schedules which are attached to and are part of the Workers' Compensation Act itself.

The last item in the motion asks for more reasonable treatment for handicapped workers in certain circumstances. So, clearly, the motion is practical; it is realistic. It deals with matters in all but one instance which already come under the Workers' Compensation Act, even though they come inadequately under the Act at the present time. The other item dealing with the necessity to provide insurance cover under the Act for workers travelling

from their homes to their places of employment, and returning, is a principle which has a great deal of merit, and in favour of which much could be said.

So, on the facts of the situation as between the amendment and the motion, the motion is realistic because it deals with clear-cut issues associated with workers' compensation, and the amendment is unrealistic because it is not even based on fact. How can we note with satisfaction the intention of the Government to introduce important amendments to the Workers' Compensation Act, when we know nothing about them? The member for Toodyay could not even mention one, let alone several, and the Minister could not mention one. I understand he is not in the position to mention one, because Cabinet has not yet finalised its consideration of the proposals.

So the claim of the Minister for Labour, which he put forward as his excuse—and it was only an excuse—for supporting the amendment in preference to the motion is a claim which falls to the ground—and falls completely to the ground. I was very surprised to hear the Minister say that the question of making important amendments to the Workers' Compensation Act is not urgent. Why is it not urgent? I think it is extremely urgent. We have seen Bills introduced into this House this session which have not been in the slightest degree urgent, nor in the slightest degree important. They have been tiddly-winking piffy Bills which have not been worth the paper they were printed upon.

Mr. J. Hegney: The Marketing of Onions Bill.

Mr. HAWKE: Yet we have the Minister for Labour, this evening, in relation to a vital subject like workers' compensation, telling us the making of important amendments is not an urgent matter. I say it is urgent plus; and the sooner the Minister realises that and submits for consideration by Cabinet all the suggestions which he has to put before the Ministers and the Government, the better.

Mr. Perkins: It will be a big improvement if we can get it through this session. It will be more than anything the previous Government did.

Mr. HAWKE: I think the Minister for Labour would be foolish to put forward that point of view, as the Minister for Labour was one of those who bitterly opposed moves made by the previous Government to make important amendments to the Workers' Compensation Act. In some respects the Minister led the opposition.

Mr. J. Hegney: And the Minister for Railways.

Mr. HAWKE: The Minister for Labour would be well advised to keep silent on that angle of the situation; because he, as much as any other member of this Parliament, has been responsible for depriving injured

workers of this country and their dependants of their just dues. He should be ashamed of being guilty of that offence.

Mr. Perkins: Your proposals were not realistic and they did not get through Parliament.

Mr. HAWKE: I have heard the question raised during this debate as to the ability of industry to meet the insurance costs which are involved in meeting workers' compensation. I have heard of the concern of some members on the Government side regarding what they considered might be excessive costs which would be loaded upon industry if the improvements to be made to the Workers' Compensation Act, at any time, were too good. That is an over-conservative approach on the part of the members who put it forward. Who pays if industry does not pay? If an injured worker does not receive adequate, fair, and just compensation, then who pays if industry does not pay?

Mr. J. Hegney: The worker himself.

Mr. HAWKE: Obviously the injured worker must pay; and his dependants, if he has any, must pay. The same thing applies, too, in relation to a worker who is injured and comes under the Workers' Compensation Act and, subsequently, as a result of his injury, dies. Who pays in respect to his dependants, if industry does not pay? Of course his widow and his dependants pay in the deprivation and sufferings which they have to undergo because Parliament has not established compensation payments adequate to the situation.

Mr. J. Hegney: Man's inhumanity to man.

Mr. HAWKE: I say, without any qualification, that it is the responsibility of industry to pay, and not the responsibility of the injured worker. It is not the responsibility of his dependants to pay. There is a good deal of not very sincere talk indulged in regarding the ability of industry to pay. Surely if there is one thing more than another that industry has the ability to pay, and should pay, it is an adequate compensation to all workers injured in the course of their employment; and to widows and children of employees who die as a result of injury suffered in the course of their employment. Therefore, on that point, from my angle, I would say that industry is not only capable of meeting whatever additional premium payments insurance companies might require, but should be made to pay by the decisions of Parliament.

I have no doubt that should the Government introduce important amendments to the Workers' Compensation Act and have them passed through both Houses of Parliament, the additional burden upon industry as a whole will be small; and a greater degree of economic, social, and industrial justice will be done to the workers

who suffer accidents in industry, and to the dependants of those who die as a result of the accidents from which they suffer.

One speaker made a comparison between awards made in the civil courts in regard to road accidents, where a breadwinner is killed, as compared with the maximum payments under our Workers' Compensation Act. He was able to show in the comparisons which he made that compensation awarded in the civil courts to widows and dependants of men killed in accidents on the roads are payments many times greater than the maximum payments provided under the provisions of the Workers' Compensation Act.

I see no difference in principle. There is certainly no difference in so far as the needs of the dependants and widow are concerned, irrespective of whether the breadwinner loses his life as a result of a road accident, or whether he loses his life in the factory, in the workshop, or in the mine.

So it seems to me there is an urgent need for more realistic thinking in connection with the whole situation as covered by the workers' compensation legislation in Western Australia. Because of that, members on this side of the House should certainly reject the amendment, which has no realism in it at all; and should support the motion moved by the member for Mt. Hawthorn, which does deal with issues directly related to workers' compensation—most of the issues, as I said before, being already covered, although inadequately, by the existing provisions of the Act.

MR. JAMIESON (Beeloo—on amendment) [8.55]: When the member for Toodyay first rose to address the Chamber on this motion, one would have believed that he at least would be one of the members of the Government side who had a humanitarian outlook on workers' compensation problems in this State. Indeed, he went on to mention why improvements should be made and, in effect, attempted to spur the Government on to provide those improvements. Finally, we found him as the stool pigeon for the Government when he moved his amendment which, in effect, gives a mandate to the Government to take its time in bringing about just improvements to the Workers' Compensation Act.

I wonder whether the Minister for Labour or the Minister for Immigration, when they try to persuade migrants to disembark from boats at Fremantle, tell those migrants that if they work in this State they will be working under the worst workers' compensation conditions in the Commonwealth. If they do not tell the migrants that, they are misleading them. One of those migrants might be unlucky enough, in the course of his employment,

to be killed, and his family would then be stranded under the terms of our Workers' Compensation Act, as compared with the more liberal Acts, the benefits of which they might have enjoyed had they proceeded to one of the Eastern States. I guarantee that that aspect is never mentioned.

The Ministers paint a glowing picture of the prosperity and other features of this State, but they never dare to mention the provisions under which the workers will be employed when they try to induce them to stay in this State. That is a distasteful attitude on the part of those who are encouraging people to stay on and work in this State when they were originally bound for other places which would provide them with better conditions. If the Minister for Immigration and the Minister for Labour wish to rectify the position so that they can, in all sincerity, claim these people for the population of this State, surely they must agree that the motion moved by the member for Mt. Hawthorn is a fair and just one.

It is ridiculous to ask the person who is injured in the course of his employment to pay his bill for medical expenses when the present limitation in our Act expires, in so far as the amount allowed for the particular accident in which a person has been involved in, is concerned. Industry must be made to carry these costs. The highly industrialised States of Queensland, South Australia, and Victoria, have more beneficial compensation Acts than we have. In many respects, the South Australian and Tasmanian Acts are better than ours, although they would not be as good if the suggestions embodied in the motion moved by the member for Mt. Hawthorn were accepted. However, at the moment, the Acts in the other States are better than that in this State; and that is something which is damning on the people who from time to time in this Chamber and, more particularly in another place, have resisted the efforts of those closely associated with the workers in this State to improve the workers' compensation provisions.

If there are any humanitarian feelings at all in those members who sit behind the Government, they must surely support a move that would spur the Government on in an endeavour to get an equitable and a just Workers' Compensation Act on the statute book of the State; and by supporting the amendment proposed by the member for Toodyay, they completely defeat any effort along those lines. It merely gives the Government the right to carry on in its own sweet time and do nothing. The lack of effort during last session to amend the Act would indicate that the Government is not very anxious to improve the workers' compensation provisions in this State.

It seems to me that if there were to have been any important amendments made to this Act by the Government, something to that effect would have been included in the Governor's Speech at the beginning of this session. In that Speech were a number of items listed for legislative improvement; and surely this, being a vital one, would have been included in the Speech for the information of Parliament. However, I feel that the member for Mt. Hawthorn has at least thrown an ember into the flame of this fire to secure better compensation conditions. Even if the amendment is agreed to, we may see some amendments to the Act brought before this House before the end of the session.

At this juncture I see no reason why the original motion should not be agreed to. It is not binding on the Government. It is not a matter of law. It is merely an opinion of this House that certain improvements should be made; and I feel the motion is far more desirable than the innocuous amendment proposed by the member for Toodyay.

With his close association with the industrial area of Midland Junction, he should appreciate the early desirability of improving compensation provisions for people associated with heavy industry. There are perhaps more industrial accidents associated with that area—it being a railway centre—than are normally associated with heavy industry; and his sympathies—if he has any—should be directed towards any move to improve the Workers' Compensation Act, and not to stall by proposing the amendment he has put forward in this Chamber tonight.

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

Ayes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	(Teller.)

Noes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Molt
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Nuisen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Majority for—3.

Amendment thus passed.

MR. CRAIG (Toodyay) [9.6]: I move an amendment—

That the following be substituted for the words deleted:—

this House notes with satisfaction the Government's intention

to introduce important amendments to the Workers' Compensation Act with the object of providing improved conditions for workers injured by accident (as defined by the Act) arising out of or in the course of their employment, without imposing excessive costs upon industry.

MR. W. HEGNEY (Mt. Hawthorn—on amendment) [9.08]: I hope the House will not agree to the amendment. I propose to move a further amendment which possibly, in a large measure, will meet the wishes of the honourable member.

The **SPEAKER**: May I have a copy of the honourable member's amendment?

Mr. W. HEGNEY: I have only a rough draft. I have not had time to have it typed, since I was interested in the debate which preceded it. The amendment of the member for Toodyay begins—"this House notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act." The amendment I propose to move is—

That the amendment be amended by deleting the words "with satisfaction;" and including after the words "Workers' Compensation Act" the words "during this session"; and adding after the word "session" the following words:—

- (1) The removal of legal liability on injured workers for medical and hospital expenses;
- (2) easing of restrictions on workers claiming workers' compensation for industrial disease;
- (3) insurance cover for workers during travel to and from residence and place of employment;
- (4) substantial increase in certain compensation payments (including schedules);
- (5) more favourable consideration of certain incapacitated workers.

I have taken the opportunity to study closely the speech of the Minister for Labour as reported in *Hansard*. I noted the remarks of the member for Toodyay; and I would not be surprised if, at this stage, the Minister for Labour is going to take some point; and I will be ready for it. As I interpreted the remarks of the member for Toodyay, they were to the effect that the motion should be held over in view of the fact that the Government intended to introduce amendments to the Workers' Compensation Act. But the member for Toodyay does not know what the Bill will contain; neither does any other member. As a matter of fact, in the course of his speech last week, the Minister asked me if I would agree to

adjourn the motion until his Bill was introduced; and, at the conclusion of his remarks on the 7th September, the Minister said—and I quote—

I think that is as far as I can go at this stage, and I strongly suggest that the House postpone further discussion on the matter until I introduce the amending Bill.

He also said—and I quote further—

In those circumstances, therefore, I hope that the House will not pass this motion now. I cannot see that it serves any useful purpose, and I think it would be very much more proper for the members of the Opposition to wait until legislation is introduced.

In a couple of other places the Minister referred to the advisability of postponing the motion until his Bill is introduced. He also mentioned that he hoped his Bill would be comprehensive enough to cover many aspects of workers' compensation.

I reiterate that I do not know what amendments will be introduced by the Minister for Labour; but I took special precautions to enumerate certain important items concerning the Workers' Compensation Act to which the Government should give favourable consideration.

The Minister, during his speech, either designedly or innocently, did not attack to any great extent the provisions of the motion. I quite appreciate that he is not in a position to tell us whether he is going to introduce amendments regarding items in the motion. He did mention one concerning the removal or easing of the limitations on workers claiming compensation for industrial disease.

The member for Toodyay has mentioned that the Government is introducing amendments to the Workers' Compensation Act to provide improved conditions for workers injured by accident. At this stage I would like to mention to the member for Toodyay, and other comparatively new members here—and I think this will give them some satisfaction—that a motion does not bind the Government. If the amendment that I have moved on the amendment is carried, it will not bind the Government; and new private members can rest assured that they will not embarrass the Government by supporting it.

It is all very fine for the Minister for Labour to laugh, but I think it is necessary to indicate that a motion of this nature does not bind the Government. I think the Minister for Labour will agree with that statement. What it will do, or what I hope it will do—because it might sink in a bit—is that if the amendment I have outlined is adopted, it will be an obligation on the Government, through the Minister for Labour, to have regard for the matters which are now under discussion.

The member for Toodyay has not enumerated any of the amendments to the Act which should be given priority, or to which the Government should give attention. But he has mentioned that the House notes with satisfaction the Government's intention to introduce important amendments. I certainly do not propose to go into any detailed explanation as to why the Government should have regard for the matters mentioned. Suffice it to say in passing that one matter which was mentioned by the member for Toodyay, and about which he was a little dubious, was the question of insurance cover for workers travelling to and from work.

I have mentioned that in my amendment, and I suggest it is an important matter. The Attorney-General will agree that 12 years ago, in 1948, the McLarty-Watts Government introduced a Bill to amend the Workers' Compensation Act. It was a comprehensive measure and included a specific provision covering workers travelling to and from work. The Bill passed this Chamber without any opposition, but that particular provision was thrown out in another place. Over the years efforts have been made to have it incorporated in the Act, but without success.

First of all, my proposed amendment to the amendment seeks to delete the words "with satisfaction." I think the appropriate wording would be "That this House notes the Government's intention"; because I cannot derive any satisfaction from any of the remarks made by the Minister for Labour on this matter. He has been a little nebulous. He did not deal specifically with the items in my motion; and before I express any satisfaction to the Minister for Labour, or any other member of this Government, I want to know clearly and definitely what the Government proposes to introduce. It might be that later on we will note with dissatisfaction; but at this stage I am not prepared to express my satisfaction at the indication of the Minister that he proposes to introduce a Bill. Therefore, I propose that the words "with satisfaction" be deleted.

The next point is that I think the words "during this session" should be included. The Minister has given a promise, or an undertaking, that legislation will be introduced during this session. If that is the case, I think this House should express the opinion that the amending legislation should be introduced during this session. I would go further and say, "It is hoped that the legislation will be brought down at a very early date," because then there would be no excuse or reason that any member of this or another place could suggest that the legislation be shelved owing to the lateness of its introduction. I have had the experience of introducing measures of this nature comparatively early in the

session; and, although they have passed this Chamber owing to the numbers, they have been peremptorily defeated in another place.

On one occasion a Bill dealing with this Act was introduced a little late in the session, and the excuse was that it was brought down too late in the session for reasonable consideration to be given to it. So I hope that the words "during this session" will be included in the amended motion.

With regard to the items I have mentioned, they form a very important phase of workers' compensation. Members have referred to the need for favourable adjustments to be made to the relative provisions of the Workers' Compensation Act, but the Minister lightly indicated that as far as he was concerned there was no urgency about amending the Act. Those who are concerned with the Workers' Compensation Act are Western Australian citizens; they are the producers in the community; they are the workers under the provisions of the Act.

Does the Minister consider that if there is room for improvement to be made to the Act there is no degree of urgency about it? A number of Bills have been introduced since Parliament opened some time in July, and a number of them certainly did not have the hallmark of urgency about them. There was one in particular, with respect to the marketing of onions. That was a tiddly-winking thing, and it would not have mattered whether it had been introduced during this or next session. There have been a number of other amending Bills slight in character, innocuous, and of little importance. But they have received precedence.

This Government has been in office since April 1959, and the Minister says it takes some time to get all the information collated because the Workers' Compensation Act is a complex one. But I suggest that the element of urgency is there, and there is room for substantial improvement in the lump-sum payments; in the second schedule payments; and in other payments, such as child allowances, and so forth. There is also room for improvement in the allowances for hospital expenses and other items.

The Attorney-General mentioned tonight—and I am not criticising him in regard to this—that deafness was now covered by the Act. It is covered in this way: Under the second schedule, for total loss of hearing the amount set down is £1,440. Actually it is a little more than that owing to the basic-wage adjustments; but the disability must be incurred as the result of an accident to one's ear or both ears.

For the total loss of hearing as the result of an accident the lump sum mentioned in the schedule is payable. But as the member for Maylands said in the

course of his remarks, the time has arrived when there should be some compensation for a disease known as boilermaker's deafness. That disability is not caused by a sudden accident; it has what is known as a gradual onset. By virtue of their occupation, a number of boilermakers over the years have become deaf, which has seriously affected their social lives.

Mr. Watts: The term "accident" has been very widely interpreted.

Mr. W. HEGNEY: I am glad of that interjection; it is widely interpreted. The Boilermakers' Union has endeavoured to establish that boilermaker's deafness is a disability caused by an accident; but the union has never been successful. In New South Wales in 1954 the term "boilermaker's deafness" was written into the Act. However, I believe a case was taken to court some time afterwards and the court held that it was not a compensable disease under the Act. Since then the Government of New South Wales has amended the Act further to ensure that boilermaker's deafness is a compensable disease.

I mentioned that in passing to show that the time has arrived when something substantial should be done; and when the Minister for Labour says that there is no urgency about this matter, and there is no need to worry about it, I do not think the private members on the Government side entirely agree with him. I think the member for Toodyay could well accept that part of my amendment wherein I suggest that the Government give favourable consideration to the items to which I have referred. I suppose I will have to deal with this in sections, Mr. Speaker?

The SPEAKER: Yes.

Mr. W. HEGNEY: At this stage I propose—

The SPEAKER: At this stage I would like to try to advise the honourable member. I can go with him part of the way on these amendments. I think he is entitled to delete the words "with satisfaction" after the word "notes"; he is entitled to insert after the words "Workers' Compensation Act" the words "during this session"; but I am afraid the rest of the amendment is substantially the same as the words which have just been struck out, and I think I would have to rule them out of order under Standing Order No. 181.

Mr. W. HEGNEY: If you will bear with me for a second, Mr. Speaker, I think I can convince you that I am quite in order, because I specially drafted that further amendment. Standing Order No. 181 reads—

No Question shall be proposed which is the same in substance as any Question which, during the same session, has been resolved in the affirmative or negative.

I specially curtailed my motion in the first place because of that ruling; and you will notice I mentioned five subjects or five items of the Workers' Compensation Act. My motion was—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act, including among others . . .

The Workers' Compensation Act contains no fewer than 35 sections and three schedules; and all I did was to select a few items upon which to focus the attention of the Government. I purposely put in the phrase "including among others the following". I suggest, Mr. Speaker, in view of your ruling in regard to the town-planning legislation last year; and in view of your rulings since then, that this is not the same in substance because it is only a small portion of my motion.

Had I desired to make the motion cumbersome I could have submitted one which would have covered two or three sheets. I purposely mentioned only a few items of importance: boilermaker's deafness was one, and there are a number of others. I suggest, with all due respect, Mr. Speaker, that the words to which you have objected are in order. I do not know whether you are going to persist.

The SPEAKER: The honourable member will have to move to disagree with my ruling—because I will rule them out of order—when we get to that point.

Mr. W. HEGNEY: If there is any alteration of mind we can deal with it then.

The SPEAKER: The honourable member may proceed with his amendment to delete the words "with satisfaction".

Mr. W. HEGNEY: I move—

That the amendment be amended by deleting the words "with satisfaction".

MR. CRAIG (Toodyay—on amendment on the amendment) [9.29]: I appreciate the point of view expressed by the member for Mt. Hawthorn; but his move to delete the words "with satisfaction" from my amendment to his motion comes as a terrible surprise; because I thought that the Opposition in particular would be very satisfied with improvements to the Workers' Compensation Act, in the same way as we on this side would be.

Mr. W. HEGNEY: Do you know any of them?

MR. CRAIG: I remind the honourable member that the Minister has given us an assurance. Despite the comments which

have been made on his assurance, I want to refer to what he said. On the 7th September the Minister had this to say—

I can give an assurance to the House that all of these matters are being considered by the Government; but I am not prepared to say, at this stage, what form the legislation will take.

I do not think members of the House would expect me to state in advance what form the legislation will take. It is a recognised principle of parliamentary practice that Bills are explained at the second reading stage, and we go on from there. If members are not satisfied with the legislation after I have introduced it, they can then raise their objections, as they will have plenty of scope to voice them.

Mr. Jamieson: That is a ministerial assurance. It is not worth the paper it is printed on.

Mr. CRAIG: I am one of those—and there are many on this side of the House—who are prepared to accept the assurance of the Minister. I have enough confidence in the Ministers of this Government to be assured that they will carry out their promises.

The reason behind my amendment was that I wanted to learn what were the proposals to be submitted by the Minister. We all sympathise with the injured worker; and I for one would not like to see the motion carried and thus deprive us of the opportunity of knowing what the Government has in mind on this legislation.

Members of this House should be made aware of the Government's proposals. It is indeed surprising to me to learn that the Opposition does not view with satisfaction the proposal of the Government to amend the workers' compensation legislation, which will confer an ultimate benefit on the injured worker.

MR. TONKIN (Melville—on amendment on the amendment) [9.32]: What is it that the previous speaker is satisfied with?

Mr. Watts: We can tell you more easily what he is dissatisfied with.

Mr. TONKIN: The amendment of the member for Toodyay does not outline what he is satisfied with. His amendment is that this House should express satisfaction with something. I ask: With what? We cannot express satisfaction with amendments to the Workers' Compensation Act, because we do not know what they are.

Mr. Perkins: You would be more dissatisfied if I had said I was not going to bring forward any legislation.

Mr. TONKIN: That may be the ultimate result. We do not know.

Mr. Perkins: You are becoming unduly cynical.

Mr. TONKIN: The member for Toodyay says he accepts the assurances of Ministers. I ask him which assurances he accepts. Did he accept the assurance of the Attorney-General made in the last session?

Mr. Watts: Which he never made. You have talked about this for two months and it is about time you stopped.

Mr. TONKIN: I shall not do so until the Attorney-General implements his assurance.

Mr. Watts: There was no assurance.

Mr. TONKIN: I am prepared to submit the wording used by the Attorney-General to the headmaster of any of the big schools in the State for an interpretation of the meaning, and I am prepared to abide by his interpretation. As a matter of fact, the Attorney-General made that statement not once but three or four times. Take the instance which I quoted this evening about the two courses which had to be followed. Neither of them has been followed; yet the Attorney-General says he gave us no assurance. To me that is very strange reasoning.

Mr. Watts: Not quite as strange as yours.

Mr. TONKIN: The Minister's interpretation, that the onus to do something means the burden to think about it is the most astonishing piece of reasoning I have ever come across. If someone says the onus is on a person to do something, surely it does not mean that it is a burden for that person to think about it. If the Attorney-General can get out of his assurance in that way, it is the most remarkable reasoning I know of. That was the way he attempted to explain away the matter.

The member for Toodyay is asking us to express satisfaction with the Government's intention, but we cannot express satisfaction with the amendments in the proposed Bill because we have no clue as to what it contains; and neither has the member for Toodyay. If he writes down what he thinks the amendments in the Bill may be, and compares them with what is contained in the Bill when it is introduced, I am sure he will be in for a great shock.

Mr. Perkins: How do you know?

Mr. TONKIN: I know from the Minister's previous attitude on this matter. He would have to turn a complete somersault if he were to act differently.

The SPEAKER: Members should confine their remarks to the question that the words "with satisfaction" be struck out of the amendment.

Mr. TONKIN: I do not object to doing that at all. It is not a question of talking about striking out the words, because we have already decided to strike them out, and you are a little behind. We are talking about the words we want to insert.

The SPEAKER: The question is that words be struck out of the amendment.

Mr. TONKIN: Surely the point is that the proposal of the member for Toodyay seeks to insert certain words in the motion, and the member for Mt. Hawthorn has moved that some of those words be not inserted. I am attempting to establish that the reason why we should not insert all the words proposed by the member for Toodyay is that we cannot be expected to express satisfaction with the proposed amendments of the Government because we do not know what they are.

That only leaves us in the position of expressing satisfaction with the Government's intention. What is that intention? Is it to introduce one, two, or 20 amendments to the Act? Would the member for Toodyay be satisfied if the Government introduced one amendment, irrespective of what it was?

Mr. Craig: The Minister gave an assurance that he would introduce various amendments.

Mr. TONKIN: They could amount to three, and they could be simple and innocuous.

Mr. Craig: He also assured us that the points raised by the member for Mt. Hawthorn would be included. He said they would be included for consideration.

Mr. TONKIN: Now we are back to the proclamation proposition! He says they are to be included for consideration. That gets us a long way! The Government could consider them for the next 12 months; but if it decided to do nothing about the matter how much would we gain? Would the honourable member be satisfied if the Government, after giving consideration to these proposals, did nothing? He is not in a position to know whether or not the Government will do anything about the proposals; yet he is prepared to express satisfaction with a mere intention to consider. Well, he is easily satisfied. He will find out when he is on this side of the House that he will not be so easily satisfied.

Mr. Craig: That will not be for a long time.

Mr. TONKIN: It may not be as long as the honourable member thinks. It is wishful thinking on his part.

Mr. Brand: Not half as much wishful thinking as goes on among the Opposition members.

Mr. TONKIN: That is something which will be proved beyond doubt very soon. We will not have to rely upon assurances, because the people will make a determination. We will not be dependent on the Government's interpretation of the English language.

I suggest it is the height of absurdity for a representative assembly to express satisfaction with a mere intention to consider. How many members would be satisfied if, after submitting a proposition to a

Minister, they got from him a reply that it was the Government's intention to consider? Would they be satisfied with that answer? If so, for how long?

There is nothing easier than to give a reply in the following terms:—"Your reply will be considered in due course." To give such a reply does not take any brain fag. According to the honourable member that is something in respect of which this Assembly ought to express satisfaction, because there is an intention by the Government to consider or contemplate some amending Bill which will be introduced.

The Minister for Labour informed this House that Cabinet had in contemplation the consideration of these aspects. What a wonderful undertaking is that! It has in mind something which it will think about in the future; and for that we are expected to express satisfaction. If the member for Toodyay is satisfied with that, he is easily satisfied. I doubt very much whether many members on the Government side are satisfied with that position. However, they will vote differently because that suits them for the moment.

No member on this side of the House will express satisfaction with a mere intention to consider, without having any knowledge of what is the likely outcome. I suggest the proper course for this House to follow is to delete the words "with satisfaction" from the amendment. There can be very little real satisfaction with a mere intention to consider.

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

Ayes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Molr
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Noes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommellin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	

(Teller.)

Majority against—3.

Amendment on the amendment thus negatived.

MR. W. HEGNEY (Mt. Hawthorn—on amendment) [9.47]: Would you, Sir, prefer me to move only for the insertion of the words "during this session" at this stage?

The **SPEAKER**: Yes.

Mr. W. HEGNEY: It would make it clearer. I move—

That the amendment be amended by inserting after the word "Act" in line 4, the words "during this session."

Amendment on the amendment put and passed.

MR. W. HEGNEY (Mt. Hawthorn—on the amendment as amended) [9.48]: I think this is where we have a little difference of opinion. It is no laughing matter.

Mr. Nalder: You are getting yourself into a tangle now.

Mr. Watts: How does it read up to date?

Mr. W. HEGNEY: I move—

That the amendment be amended by inserting before the word "with" the following words:—

including—

- (1) The removal of legal liability on injured workers for hospital and medical expenses.
- (2) Easing of restriction on workers claiming compensation for industrial diseases.
- (3) Insurance cover for workers during travel from and to residence and employment.
- (4) Substantial increases in compensation payments (including schedules).
- (5) More favourable consideration of certain incapacitated workers.

Do you, Mr. Speaker, propose at this stage to rule that my amendment is out of order?

Speaker's Ruling

The **SPEAKER**: To clarify the matter, I will formally rule the amendment out of order on the ground that the words are substantially the same as words struck out earlier in the evening.

Dissent from Speaker's Ruling

Mr. W. HEGNEY: I move—

That the House dissent from the *Speaker's* ruling.

I am sorry to have to disagree with your ruling, Sir, but I feel I am justified in doing so. Firstly, as I mentioned a few moments ago, when I originally considered drafting this motion I intended to make it very comprehensive, almost to the extent

of being cumbersome. However, I was advised not to and therefore inserted the phrase "among others", and then itemised five points. I have taken the opportunity of scanning the Act itself. There are 35 sections in it and approximately 130 items, excluding a number of pages of schedules which contain numerous important items. In my opinion there are quite a number of sections and subsections in this Act which need attention. However, I did not enumerate them all; but instead, as I have said, enumerated five items and used the phrase "among others".

Mr. Watts: Are you not losing sight of the objection? You are asking us to debate an amendment which is substantially the same as that which we have debated for four or five hours.

Mr. W. HEGNEY: I thank the Attorney-General for the interjection. The motion set out five items. I explained the reason for them and the Minister did not specifically object to them. All he suggested—and with your permission, Sir, I will mention one or two things he suggested—was that the matter should be adjourned or delayed, or that it should be held in abeyance until the Bill was introduced.

The **SPEAKER**: Order! The point at issue is whether the five items enumerated in the honourable member's amendment to that moved by the member for Toodyay are substantially the same as the five points enumerated in the original motion. This debate will have to be confined to that issue and not extended to the things which were left out of the original motion.

Mr. W. HEGNEY: I am not disputing the fact that the five items in my amendment are substantially the same as those in my original motion.

The **SPEAKER**: That is the only matter which can be discussed.

Mr. W. HEGNEY: That was not my motion. My motion was as follows:—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act, including among others, the following:—

I then set out only five items dealing with the Workers' Compensation Act; and I am saying that there are 120 to 130 items in the Workers' Compensation Act, excluding eight or nine pages of schedules dealing with very important payments and conditions to apply to incapacitated workers.

The **SPEAKER**: That is not the point at issue. I do not think there is a point at issue now in view of the honourable member's own admission that the five items enumerated in his amendment are substantially the same as those in his motion.

Mr. W. HEGNEY: You have not allowed me to proceed, Sir. I am now going to deal with a ruling you gave last year—

The SPEAKER: I do not think the honourable member can do that.

Mr. W. HEGNEY: —in a similar case to this. I am referring to the Bill dealing with town planning. You ruled on one occasion that the Bill was substantially the same as a Bill which had previously been introduced. When the Minister introduced his third measure, however, with a different title—and he admitted that there were about 40 clauses which were substantially the same as those in the previous Bills—in the final analysis you ruled it was not the same. That situation was on all fours with the present one. If you were to look up the rulings you would agree with me. I have not had a chance of ascertaining the Minister's exact words, but he did say that the third Bill was substantially the same as those he had previously introduced.

I say that if it was good enough then, it is good enough now. However, if you persist, I am not going to labour the point but regretfully disagree with your ruling.

Mr. PERKINS: I think you, Mr. Speaker, have shown very wise judgment in this matter.

Mr. Jamieson: You'll get on!

Mr. PERKINS: I was not Chairman of Committees in this House for six years without learning something about Standing Orders; and there were many critical debates on the interpretation of them during that time. For as long as I have been a member of this Chamber—18 years—it has been accepted that if a Committee or the House deletes words from a Bill or motion, they cannot be reinserted without recommitting the whole matter.

This House has decided that it does not want the words which the member for Mt. Hawthorn now desires to reinsert. A division has been taken and the House has made its decision. Therefore, I think, Mr. Speaker, you are entirely right in your ruling that it is impossible for the member for Mt. Hawthorn to be in order in moving to reinsert words which the House has already determined shall be deleted.

Mr. TONKIN: I listened with a great deal of attention to the remarks just made by the Minister for Labour. The context of some of those remarks was that because of his experience as Chairman of Committees he had learned that once the House had decided to take certain words out of a motion they could not be reinserted. However, he did not raise a point of order when you allowed the House a few minutes ago to replace words which were substantially the same as those which had previously been deleted. I refer to the

words "during the present session" which were included in the original motion which read—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act,

You subsequently allowed the member for Mt. Hawthorn to insert words in the amendment which were substantially the same as those deleted from the motion; and the House agreed. I did not hear the Minister for Labour raise a point of order despite his experience; so how can he raise one now?

Mr. Perkins: I was not aware at the time that they had been in the motion.

Mr. TONKIN: The Minister was unaware of the fact, despite all his previous experience! Because of that experience he should have been wide awake to that! However, he only wakes up now because the insertion of these words does not suit him. The Government was agreeable to the words "during this session" being reinserted, and the Minister was unaware of the situation. He was unaware that previously similar words had been deleted from the motion.

The words, the reinsertion of which you, Sir, object to now, are in exactly the same position as the words which you, and the House, agreed should be reinserted, inasmuch as they are words which we have previously agreed to strike out. Surely we must have some consistency in this matter. Actually the words—or the substance of the words—do not matter. The point is that once we have decided to strike out words we cannot reinsert them; and that is the basis of your ruling. You previously allowed us to insert words in the amendment which had been deleted from the motion. So how can you, Mr. Speaker, discriminate with regard to these other words?

I maintain that we were not right in inserting the words "during this session". But to be consistent, we should be allowed to insert the words now under discussion; that is, of course, if the House agrees. Surely we are not going to do one thing one day—or one minute—and something else the next, just because it suits us to do so! We cannot run any Assembly on rules of that nature which are really rules to suit the situation at the time. I agree with your contention, Mr. Speaker, that once the House decides to strike words out, it cannot reinsert those words. But we have done it; and having done it, we are entitled to do it a bit further along in order to be consistent.

Mr. Hawke: Could we recommit the matter next Wednesday?

Mr. TONKIN: The Minister for Labour stands up and makes a great show of his previous experience in the matter; but it

was not sufficient to enable him to tell us earlier that we were contravening Standing Orders.

The **SPEAKER**: On the point raised by the member for Melville, even if his contention is now correct—and I am not necessarily conceding the point—the time to raise the point of order was when the amendment was moved to insert the words. We have now inserted them. If we are to accept the opinion of the member for Melville, we should not have the word “Government” or the words “Workers’ Compensation Act” that were mentioned in the amendment by the member for Toodyay. I would point out that whether the words inserted during this sitting are in order or not, the point of order should have been taken at the time; and it was not taken.

Mr. **TONKIN**: That is what I told the Minister for Labour.

Mr. **Hawke**: Could we recommit the matter next week?

Motion (to disagree with the Speaker’s ruling) put and negatived.

Debate Resumed

Amendment, as previously amended, put and passed.

Motion, as amended, put and passed.

House adjourned at 10.2 p.m.

Legislative Council

Thursday, the 15th September, 1960

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The **PRESIDENT** took the Chair at 2.30 p.m., and read prayers.

ADDRESS-IN-REPLY

Presentation

THE PRESIDENT: I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency’s Speech, agreed to by the House. His Excellency has been pleased to make the following reply:—

Mr. President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTION WITHOUT NOTICE

MARY AGNES BROWNE

Claim for Damages: Tabling of Papers

The Hon. A. F. **GRIFFITH**: Mr. Davies asked me some little time ago to table some papers in the case of Browne v. Parker, heard in the Supreme Court. I have been able to make arrangements to supply the information to the honourable member and I am now prepared to table the papers.

The papers were tabled.