freeholders, ratepayers and all the others in one simple category that the public could understand.

Hon. N. E. Baxter: Many would not vote if they were on the roll.

Hon. E. M. HEENAN; Unfortunately that is true of some people. They are given the great privileges of democracy and if they who do not vote increase greatly in number, I believe those privileges will be filched from them as the years go by. I have nothing but contempt for the person who accepts the blessings of democracy but does not fulfil the simple obligation of exercising his or her vote. I cannot understand the attitude of these who believe that we should not budge from the present franchise in any way. We should retain our institutions but constantly improve them. If we can get the people as a whole to take an interest in the affairs of the country, the future of democracy has nothing to fear from any of the ideologies that are being preached about the world today. I am pleased to support the motion.

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

*House adjourned at 9.25 p.m.*

# Legislative Assembly

Tuesday, 15th September, 1953.

CONTENTS.



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

## QUESTIONS.

### PUBLIC BUILDINGS.

*(a) As to Erection under Private Architect's Plans.*

Mr. HEAL asked the Minister for Works:

(1) Were plans for any public buildings erected during the years 1947-53 prepared by private architects?

(2) If so, what buildings?

(3) By what architects?

(4) Were competitions arranged for the plans?

The MINISTER replied:

(1) No.

(2), (3) and (4) Answered by No. 1.

I would like to say in explanation of these answers that there are a number of buildings which might have been included in the question asked by the hon. member, but which I did not regard as public buildings. They are blocks of flats and shops which were erected by the State Housing Commission for the purpose of letting to tenants. In the answering of the questions these buildings have not been regarded as public buildings.

*(b) As to Plans Prepared by Private Architects.*

Mr. HEAL asked the Minister for Works:

(1) Were plans for any public buildings prepared by private architects during the years 1947-1953?

(2) If so, what buildings?

(3) By what architects?

(4) Were competitions arranged for the plans?

The MINISTER replied:

(2) and (3) State Insurance Office building by Hobbs, Winning & Leighton. Geraldton regional hospital, by Hobbs, Winning & Leighton. Bunbury regional hospital, by Marshall, Clifton & Leach.

In addition, various private architects prepared plans for shops, flats and expansible houses erected by the State Housing Commission, and a firm of private architects prepared plans for additions to the Yanchep Inn on behalf of the State Gardens Board.

(4) No.

### LOCAL AUTHORITIES.

*As to Validity of Agreements.*

Mr. HEARMAN asked the Minister for Works:

(1) Does the Government consider the existing agreements entered into between the McLarty-Watts Government and the local authorties of Cranbrook, Tambellup and Mt. Barker still valid and enforceable?

(2) When were these agreements entered into?

The MINISTER replied:

(1) Yes.

(2) The 26th May, 1949.

### WATER SUPPLIES.

*As to Provision for Future Needs.*

Hon. C. F. J. NORTH asked the Minister for Water Supplies:

(1) Is it a fact that means are being sought to supply sufficient water to the metropolitan area to serve 1,000,000 people?

(2) Approximately what population could be served (in the sense of sufficient water supplies) beyond this area, assuming the known rainfall was suitably collected and reticulated—

(a) in the South-West;

(b) in the wheat belts, southern and Midlands;

(c) in the Kimberleys?

The MINISTER replied:

(1) Yes.

(2) As gauging of river flows in the South-West was only instituted some 14 years ago, and very limited examinations have been made in the Kimberleys, the information available is not sufficiently comprehensive to enable a reasonable forecast to be made of the maximum population that could be supported under present day conditions of water use.

### HOUSING.

*(a) As to Land Suitable for Building.*

Mr. JOHNSON asked the Minister for Housing:

In a speech on the 2nd September, the member for Dale made reference to thousands of acres of land suitable for housing within seven miles of the G.P.O.

(1) Is the land mentioned identifiable by his department?

(2) Has the value of the land for housing been investigated by the department?

(3) If so, when?

(4) What recommendations have been made with regard to this land?

The MINISTER replied:

(1) Yes, generally but not specifically.

(2) Yes, in regard to certain sections.

(3) From time to time over the last few years.

(4) Generally the recommendations are that land in the Kenwick area is not suitable for a large housing project until a comprehensive drainage scheme is put into effect. A comprehensive drainage scheme to include Kenwick and other districts, it is considered, would cost many hundreds of thousands of pounds.

*(b) As to Snowden and Willson, Use of Evidence.*

Mr. OLDFIELD asked the Premier:

In view of the answer given by him on Wednesday, the 9th September, can he now inform the House—

(1) Can the evidence, taken by the Royal Commissioner in the Snowden and Willson inquiry on which he based his findings that overcharges had been made, be used in a civil court by persons whose cases were investigated, and who are seeking to recover the amount of the overcharge?

(2) If not, will the Government take steps to make this possible?

(3) If the answer to No. (2) is in the negative, why not?

The PREMIER replied:

(1) No. See Section 9 of the Royal Commissioners' Powers Act, 1902.

(2) No.

(3) Because to do so would weaken the protection given to witnesses before Royal Commissioners and thus make it more difficult for future Royal Commissioners to elicit the facts relevant to an inquiry.

*(c) As to Shortage in Country Districts.*

Mr. NALDER asked the Minister for Agriculture:

(1) Is he aware that because of the shortage of homes in some country districts, the department is liable to lose the services of some agricultural advisers?

(2) Will he make immediate inquiries and take action to make houses available where required so that the services of valuable officers will not be lost to the department and the State?

The PREMIER (for the Minister for Agriculture) replied:

(1) Yes.

(2) Three houses were purchased last year for district officers, and approval was recently given for the construction of four houses for district advisers.

*(d) As to Land Held by Commission.*

Mr. WILD asked the Minister for Housing:

(1) What is the total acreage of land owned by the State Housing Commission in the metropolitan area?

(2) How much of this land has already been subdivided and into how many house-building blocks?

(3) In what district, or districts, is the main portion of this land held?

The MINISTER replied:

(1) Approximately 11,529 acres, including 9,000 acres of land acquired in the Wanneroo district for long term development. The land held includes future school sites, playgrounds, parks, roads and other amenities to be provided for in subdivisions.

(2) Approximately 2,774 acres in 11,096 blocks.

(3) Wanneroo, Perth Road Board and Melville Road Board districts.

*(e) As to Timber-framed Flats and Migrant Tradesmen.*

Mr. WILD asked the Minister for Housing:

(1) How many timber-framed flats have been built by the State Housing Commission?

(2) In what district, or districts, were these flats built?

(3) How many flats referred to in No. (2) were built in each district?

(4) How many of these timber-framed flats were built to house British migrant tradesmen?

(5) Were these building tradesmen not brought to Western Australia for the State Housing Commission, in order to step up the house-building rate?

The MINISTER replied:

(1) Five hundred and sixty-two.

(2) Belmont, Midland Junction, South Guildford, Fremantle.

(3) Belmont 232, Midland Junction 32, South Guildford 75, Fremantle 223.

(4) Four hundred and twelve flats were built to house originally British tradesmen, but subsequently also for Australian building tradesmen on a 50-50 basis. These are now being used to house evicted families.

(5) The majority—yes. Some also for railway workshops.

*(f) As to Building in Forrestfield Area.*

Mr. WILD (without notice) asked the Minister for Housing:

Is there any truth in the rumour that is very prevalent in the Forrestfield district that the State Housing Commission intends to build a large block of flats or houses in that district?

The MINISTER replied:

There is no truth whatever in the suggestion that flats will be erected. Preliminary consideration has been given to the erection of houses in the Forrestfield area, but I repeat it is only at the preliminary stage.

## BUS SERVICES.

*(a) As to North Beach Coy's Assets and Goodwill.*

Mr. JOHNSON asked the Minister for Railways:

(1) What was the purchase price paid by the McLarty-Watts Government for the assets of the North Beach Bus Coy?

(2) Was this in excess of the estimated value given by the Government's valuator?

(3) How many buses did the company sell?

(4) What other assets did the company sell?

(5) How much—

(a) has been realised from sale of, or

(b) is estimated to be the present value remaining of—

(i) the buses;

(ii) the other assets?

(6) Is it legal to make a charge for goodwill in the sale price of a transport business?

(7) Was any payment made to the Government or the Tramway Department when the Nedlands route was given to a private company?

The MINISTER replied:

(1) Only portion of the company's business was purchased, the price being £25,000.

(2) The Government's valuator recommended the transfer at the price paid, namely, £25,000.

(3) Six.

(4) The six buses constituted the only tangible asset involved in the transfer.

(5) The sum of £3,900 has been realised on buses already disposed of. The estimated value of the remainder is £2,000.

(6) The Act makes no mention of goodwill but paragraph (2) of Section 29 reads as follows:—

(2) No transfer of a license for an omnibus shall be granted unless and until the Board is satisfied that no money or other consideration by way of premium or otherwise is to be paid or given for the transfer of the portion of the term of the license remaining unexpired.

(7) A premium of £400 per annum offered by United Buses Pty. Ltd. was accepted under the provisions of Section 11 of the State Transport Co-ordination Act. The company surrendered its license for that particular service at the end of November last but former patrons are able to travel by "through" services to Dalkeith, Claremont and other suburbs.

*(b) As to Weekly Tickets, Perth-Armadale Route.*

Mr. WILD asked the Minister for Transport:

(1) Is he aware that the Metro Bus Coy. refuses to issue weekly tickets on the Perth-Armadale route?

(2) Will he ascertain the reason for the refusal to grant such weekly tickets?

(3) As many residents in Armadale desire such tickets, will he arrange for the Transport Board to issue an instruction to the Metro Bus Coy. to have such weekly tickets made available?

The MINISTER replied:

(1) Yes.

(2) The alternative voluntarily offered by the company, namely, monthly tickets, provides the public with a more flexible and considerably cheaper facility than weekly tickets, in addition to enabling the operator to economise in time and money compared with the issue of tickets on a weekly basis.

(3) The disadvantage to the travelling public, especially in much higher travelling costs, is not deemed to justify the issue of weekly tickets in place of the present monthly tickets.

## DEPARTMENTAL SALARIES.

*(a) As to Civil Service Classifications.*

Mr. JAMIESON asked the Treasurer:

(1) What were the classifications of the 10 persons immediately exceeding a salary of £600 in the Civil Service in 1939?

(2) What is the salary of the same classifications at present?

The TREASURER replied:

It is assumed that No. (1) refers to the salary payable to persons occupying the 10 "positions" in the clerical and/or administrative divisions at a salary rate immediately in excess of £600 per annum. These were as follows:—

| | Salary at 1st July, 1939. | Classification and Salary Range at 1st July, 1939. |
|---|---|---|
| | £ | £ |
| 1 | 606 | C2 582-630 |
| 2 | 630 | C2 582-630 |
| 3 | 654 | C 618-735 |
| 4 | 666 | C Not classified |
| 5 | 690 | C 618-735 |
| 6 | 699 | C1 666-699 |
| 7 | 735 | C 690-830 |
| 8 | 780 | C 654-780 |
| 9 | 830 | A 830-1,000 |
| 10 | 880 | A 830-1,000 |

(2) The salary and classification of these 10 positions at the 1st July, 1953, was as follows:—

| | Salary at 1st July, 1953. | Classification and Salary Range at 1st July, 1953. |
|---|---|---|
| | £ | £ |
| 1 | 1,314 | C-II-11 1,314-1,364 |
| 2 | 1,364 | C-II-11 1,314-1,364 |
| 3 | 1,554 | A-I-4 1,524-1,594 |
| 4 | Position now exempt from Public Service Act. | |
| 5 | 1,464 | A-I-3 1,464-1,524 |
| 6 | 1,364 | C-II-11 1,314-1,364 |
| 7 | 1,307* | A-I-2 1,414-1,464 |
| 8 | Position abolished. | |
| 9 | 1,850 | A-S 1,650 |
| 10 | 1,850 | A-S 1,650 |

* Salary based on London basic wage.

*(b) As to Police Department Classifications.*

Mr. JAMIESON asked the Minister for Police:

(1) What were the classifications of those servants drawing a salary in excess of £600 in 1939 from the Police Department?

(2) What is the salary of the same classifications at present?

The MINISTER replied:

(1) The officers drawing a salary in excess of £600 in 1939 from the Police Department were classified in the following positions:—

(a) Commissioner.
(b) Chief Inspector.
(c) Inspector in Charge, Kalgoorlie District.
(d) Inspector in Charge, Broome District.

(2) £1,980; £1,601; £1,398; £1,498 respectively.

## FREMANTLE DISTRICTS FISHERMEN'S CO-OPERATIVE SOCIETY.

*As to Extension of Premises.*

Hon. A. V. R. ABBOTT asked the Minister for Industrial Development:

(1) Has he any knowledge of the proposal by the Fremantle Districts Fishermen's Co-operative Society to rebuild and extend its premises at Fremantle referred to in "The West Australian" of the 10th September?

(2) Is the proposed building to be erected upon Government land?

(3) What tenure of the land upon which the proposed building is to be erected has the society?

(4) Does the Government propose to grant to the society an extension of its present tenure?

(5) What assistance, financial and otherwise, has the Government agreed to grant to the society?

(6) If moneys are to be advanced, what are the terms of the proposed loan?

The MINISTER replied:

(1) Yes.

(2) Fremantle Fishmarkets building has been sold to Fremantle Fishermen's Co-operative Society Ltd. with a lease of site (part reserve 1294) sufficient in area to permit extension of building.

(3) Twenty-one years from the 1st September, 1949 subject to termination by six months' notice if the land is required for public works.

(4) No request for extension of present tenure has been made to the Government.

(5) None.

(6) Answered by No. (5).

## GUILDFORD ROAD.

*As to Agreement with Local Authorities.*

Mr. OLDFIELD asked the Minister for Works:

(1) Is it not a fact that in entering into the agreement with the Perth, Bayswater and Bassendean Road Boards, the Government undertook to rehabilitate Guildford-rd?

(2) Is it not a fact that the Government intended that such rehabilitation should bring Guildford-rd up to the standard of Stirling Highway, and before signing the agreement the Government considered the sum of £60,000 sufficient for this purpose?

(3) In view of the estimated cost now being £260,000 for full rehabilitation, is it intended to perform only £60,000 worth of work, or fully rehabilitate the road as per agreement?

(4) Does he agree that the cost of £260,000 is beyond the resources of the local authorities, and that this is a clear case where the Government should assume full responsibility?

The MINISTER replied:

(1) Yes.

(2) No.

(3) £260,000 is the estimated cost of complete construction. Rehabilitation to the extent of £60,000 is proposed as per agreement.

(4) Complete construction will need to be effected progressively as finances permit, as is being done with other roads of like character.

## DIVORCE.

*As to Number of Cases and Grounds.*

Hon. Dame FLORENCE CARDELL-OLIVER asked the Minister for Justice:

(1) How many divorces have been granted in this State on the ground of five years separation?

(2) How does this number compare with the number of divorces granted under other allowable grounds?

The MINISTER replied:

(1) 1946 to the 31st August, 1953—1,053.

(2) Other allowable grounds for the same period—3,791.

## FERTILISERS.

*As to Trace Elements for Rocky Gully Area.*

Hon. A. F. WATTS asked the Minister for Lands:

(1) Is it a fact that insufficient supplies of super-copper-zinc fertiliser were available this year for settlers in the Rocky Gully area?

(2) If so, does he agree that without the trace elements combined in such fertiliser the growth of pastures, etc., in that area will be retarded?

(3) Are any steps being taken to ensure that adequate supplies are available when required and if not, will he take such steps as early as possible?

The PREMIER (for the Minister for Lands) replied:

(1) Owing to seasonal conditions in common with the rest of the State, supplies of fertilisers with minor elements were insufficient to meet the demand.

This affected land settlement requirements, including Rocky Gully.

(2) Experiments indicate that there is not a critical shortage of copper or zinc in the Rocky Gully area, but copper on gravely loams does increase growth, whilst zinc is indicated as useful on low-lying sandy and sandy loams.

The Land Settlement Board applies an initial dressing of 180 lb. of super, copper, zinc.

Areas which did not receive minor elements last season have been recorded, and these will be included in the fertiliser in the autumn, 1954.

(3) The Land Settlement Board is taking delivery of the bulk of its fertilisers before Christmas, so as to ensure no shortage next autumn.

## BUSHFIRE CONTROL.

*As to Equipment for Rocky Gully.*

Hon. A. F. WATTS asked the Minister for Lands:

(1) Have requests been received from settlers at Rocky Gully for the provision of bushfire fighting equipment?

(2) If so, have any arrangements been made to provide such equipment? If not, is it proposed to make such arrangements?

(3) If no requests have yet been made, is he prepared to give favourable consideration to the provision of such equipment, in view of the considerable fire danger in that class of country?

The PREMIER (for the Minister for Lands) replied:

(1), (2) and (3) Requests have been received from settlers at Rocky Gully for the provision of power bushfire fighting equipment.

The supply of such equipment to each farmer is unwarranted on account of cost.

The Land Settlement Board has advised settlers that assistance will be granted for purchase of power equipment between several settlers on a co-operative basis subject to organised bushfire brigade practice being adopted.

In addition, the board has purchased seven medium powered fighting equipments and is installing a heavier unit which will be available for all farmers in the district.

This area is thought to be as well protected as any other comparable agricultural district.

## PUBLIC TRUST OFFICE.

*As to Revenue and Expenditure.*

Mr. COURT asked the Minister for Justice:

What was the revenue and expenditure of the Public Trust Office for each of the years ended the 30th June, 1951, the 30th June, 1952, and the 30th June, 1953?

The MINISTER replied:

Year ended the 30th June, 1951—

Revenue, £18,617 11s. 10d.

Expenditure, £35,031 16s. 8d.

Unclaimed moneys paid to Crown Law Revenue, £13,314 5s. 2d.

Year ended the 30th June, 1952—

Revenue, £23,081 3s. 9d.

Expenditure, £41,553 9s. 10d.

Unclaimed moneys paid to Crown Law Revenue, £16,260 3s. 4d., less refunds, £232 14s. 4d.—£16,027 9s.

Year ended the 30th June, 1953—

Revenue, £36,432 15s. 7d.

Expenditure, £44,754 4s. 5d.

Unclaimed moneys paid to Crown Law Revenue, £9,267 7s. 10d.

## ARBITRATION.

*As to Disputes on Government-owned Vessels.*

Mr. COURT asked the Minister for Labour:

(1) (a) Have there been any disputes since the 1st March, 1953, involving Government-owned ships, vessels or dredges, with employees who are members of the Maritime Services Union, which, I understand, was known as the Coastal Dock, Rivers and Harbour Works Union of Workers prior to its deregistration under the Arbitration Act?

(b) If so, who handled the negotations for the Government, and who represented the employees?

(2) (a) If there was a dispute, was it handled through the Arbitration Court, or the Conciliation Commissioner?

(b) If not handled through the Arbitration Court or the Conciliation Commissioner, who acted as arbitrator?

The MINISTER replied:

(1) (a) Yes. The union claimed certain rates for taking the dredge "Governor" from Fremantle to Bunbury.

(b) The Secretary for Labour for the Government and the secretary of the union for the employees.

(2) (a) No.

(b) Mr. R. A. Wood, who, whilst Industrial Registrar, had acted as chairman of a board which fixed the rates for a similar voyage in 1948, was asked to bring those rates up to date.

## ROAD TRANSPORT.

*As to Charges to Geraldton and Carnarvon.*

Mr. NORTON asked the Minister for Transport:

What is the fee, per ton, charged by the Transport Board on goods transported to Geraldton by road, by—

(a) Midland Railway Coy.;

(b) private carriers operating through to Carnarvon?

The MINISTER replied:

(a) The Midland Railway Coy. holds annual licenses the license fees for which have no relationship to the tonnage carried.

(b) Other carriers are authorised to operate only on the basis of special permits, the fees for which vary according to the tenure of the permit and the class of loading carried. For example, where special permits are granted for individual journeys, the rate is 10s. per ton for general stores. Permits to transport beans from Carnarvon to Perth are issued at the rate of £5 per vehicle for the season.

## ROYAL SHOW.

*As to Adjournment of House.*

Hon. Sir ROSS McLARTY (without notice) asked the Premier:

So that members can make their arrangements over Show Week, would the Premier indicate to the House whether it is intended to sit during Show Week, and, if so, on what days?

The PREMIER replied:

I would say it is most unlikely that the House will sit on Wednesday and Thursday. It is possible, however, that the House will sit on Tuesday. Cabinet will make a decision on this matter next Monday, and I will make the nature of that decision available to the House next Tuesday.

## BASIC WAGE.

*As to "C." Series Index and Quarterly Adjustment.*

Hon. A. V. R. ABBOTT (without notice) asked the Premier:

(1) In view of the decision of the Federal Arbitration Court in connection with the "C." series index, will he inquire whether the "C." series statistics will continue to be made available to the State statistician so that he may have them at his disposal in connection with the State Court?

(2) Does he propose to amend the State Arbitration Act so that the court will not be bound to give consideration to the State basic wage quarterly adjustment?

The PREMIER replied:

(1) Inquiries will be made along the lines suggested by the hon. member. I was under the impression that the State statistician drew up his own figures as a result of his own inquiries.

(2) My impression is that the Act already contains a provision as suggested.

Hon. A. V. R. Abbott: No.

The PREMIER: The present provision in the Act is to call upon the court to consider the figures—

Hon. A. V. R. Abbott: It must consider the figures every three months.

The PREMIER: —and the court then has the discretion of making its own decision on what it will do, if anything, on the basis of the figures supplied to it by the statistician.

Hon. A. V. R. Abbott: Would you amend the Act so as to require the court at its discretion to do so instead of requiring it to do so every three months?

The PREMIER: I would see no harm in the information being made available to the court.

## BILL—BEE INDUSTRY COMPENSATION.

Read a third time and transmitted to the Council.

## BILL—FIREARMS AND GUNS ACT AMENDMENT.

*Third Reading.*

**THE MINISTER FOR POLICE** (Hon. H. H. Styants—Kalgoorlie) [4.55]: I move—

That the Bill be now read a third time.

**HON. J. B. SLEEMAN** (Fremantle) [4.56]: Before the Bill is read a third time I would like to make a few remarks concerning the reactions of people who have watched the measure go through it various stages. It seems to me that the administration of the department in one particular is not all it should be.

I have received complaints concerning a man who wanted to sell a firearm and who informed the gentleman who wanted to buy it that he would have to get a permit to do so. The man who hoped to purchase the firearm went along to the authority concerned and he was told that he could not have a permit because he lived in the metropolitan area. I do not think that is contained in the Act and the police should not have the right to refuse the permit unless, of course, they have anything against the man's character.

In a law-abiding country like this no law-abiding citizen should be refused a permit. In Sydney, where we are told that gangsters and cut-throats abound, permits are not refused to people who desire to purchase a gun. There was another case

of a man who reported to me that he wanted to sell an automatic Winchester. The man who desired to buy it had an ordinary Winchester and when he asked for a permit he was told he could not have two guns. There are a number of people in the country who have two guns.

Some people want a shotgun as well as a rifle. Some want a small gun as well as a larger one. I do not think the liberty of the people should be taken away from them by the police deciding what they should and should not have. The most farcical incident reported to me was that of two brothers who went out shooting. in the scrub in a motorcar. One brother said to the other, "I think we had better make this right. If I am to use your gun I should be in possession of a permit." He went to the police station to get the necessary permit to enable him to use his brother's firearm, but he was told he could not have the permit unless he lived in the same house as his brother.

Is that reasonable? If one lives in the same house as the man whose gun one wishes to use, one can have a permit to do so; otherwise a person cannot obtain one. I trust the Minister will take this matter up with his department and see that this portion of the Act is better administered than it is at present. Respectable people should not be refused these licenses. Whether a man lives in the metropolitan area or in Timbuctoo, it should not make any difference; he should be granted a license.

**HON. A. V. R. ABBOTT** (Mt. Lawley) [5.0]: I also have a few words to say dealing with administrative action. Licenses in the country are issued by the local police constable. It has been suggested to me that the views of police constables in different districts vary to quite a considerable degree, but that the central administration is very loath to interfere with their discretion. That is only to be expected. Naturally, the Commissioner does not like to overrule the discretion of a local administrative officer. On the other hand, I suggest that when a local resident is not satisfied, he should have free reference to the central administration—not necessarily to the Commissioner, though, of course, the matter would be decided by the Commissioner, who has his own advisers. If this were done, the administration of principle would correspond throughout the whole State.

That is something the Minister might take up with a view to seeing that there is free reference to head office in these matters. We know that there is an appeal to the police magistrate, and that is only right and proper. But when the average citizen is refused a license, he is not prepared to take such an extreme measure as applying to the court to override the local constable's decision. I consider that further administrative consideration should be given to such a person by an application being referred to head office, at his request, with a view to the administration of the Act being made to coincide throughout the State.

Question put and passed.

Bill read a third time and transmitted to the Council.

## BILL—KALGOORLIE AND BOULDER RACING CLUBS ACT AMENDMENT (PRIVATE).

Report of Committee adopted.

## BILL—CONSTITUTION ACTS AMENDMENT.

*Second Reading.*

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Eyre) [5.3] in moving the second reading said: This is a hardy annual which has been brought down on many occasions. As a matter of fact, I have dealt with it myself several times, and last year my very worthy Leader introduced a similar Bill. The measure is designed, firstly, to lower the qualifying age of a person who wishes to nominate for election to the Legislative Council and who possesses the other necessary qualifications.

Members will recollect that a proposal to achieve this objective was brought forward as recently as last year and was passed by this Chamber. At that time the House was of the opinion that there should not be any differentiation as to age qualification between those desiring to nominate for election to the Legislative Assembly and those seeking nomination for election to the Legislative Council. There are several arguments that can be put forward in support of this amendment. The strongest is that there should be no distinction between the Legislative Assembly and the Legislative Council in this particular. After all, the ultimate decision rests with members of the public, and I am sure such a matter can be safely left in their hands.

It is also sought to establish the dual vote principle. The idea is to extend the qualification for entitlement to be registered as an elector for the Legislative Council to include the husband or wife of a person who is already entitled to vote under the various provisions of the principal Act. Liberalising the franchise in this way seems to me to be just and, judging by the attitude in the past of the members of the present Opposition, I am sure it will meet with their whole-hearted support.

Another proposal is to insert a new section to provide that where a person has qualifications that entitle him to be registered as an elector for more than one province, he may be registered as an elector in respect of one province only, but he is given the right to choose which one.

He is also to be given the right to make a subsequent election under certain conditions which will be explained in the Committee stage of the Bill.

The Bill proposes to bring the principal Act more up to date by removing the disqualification from being registered as electors applying to persons who are in receipt of relief from the Government or any charitable institution. In addition, it clarifies and amends other disqualifications contained in the relevant section of the principal Act. We who represent the Labour Party feel that there should be a more equitable means of voting for the other House. We do not see why the Upper Chamber should have more privileges than are enjoyed by a similar but much more important Chamber, namely, the Commonwealth Senate. Why should only a few people in the Legislative Council be able to veto legislation submitted by the Legislative Assembly? The second Chamber in Western Australia has more power than any other second Chamber in the world. Even if the House of Lords does not agree to legislation sent to it from the House of Commons, such legislation automatically becomes law after having been submitted to it on three successive occasions.

Hon. A. V. R. Abbott: You are not suggesting any such amendment here.

The MINISTER FOR JUSTICE: No, but I am pointing out the unfairness of the Legislative Council being able to veto legislation passed by this Chamber when that House represents only 17 per cent. of the electors who return members to the Legislative Assembly.

Hon. A. V. R. Abbott: I do not agree with that, either.

The MINISTER FOR JUSTICE: I can prove that that figure is correct, as I did years ago. At that time, the percentage was less; it was only 16½ per cent. of the electors of this House.

Hon. A. V. R. Abbott: Yes, but it is a question of who are entitled to vote should they so desire. That is whom the members in another place represent.

The MINISTER FOR JUSTICE: They represent them because the electors have a property qualification. This is an Act which has been in existence since 1832, but we are living in a different age, with a different psychology and understanding. People today are differently constituted, and I would not be surprised if there were a revolution.

Hon. A. V. R. Abbott: You made a misstatement. You said that members in another place represented only 17 per cent. of the electors. That is incorrect.

The MINISTER FOR JUSTICE: They represent only 17 per cent. of the electors of this House.

Hon. A. V. R. Abbott: No! If you said on the Upper House roll you would be correct. But many are entitled to be on the roll if they so wish.

Mr. SPEAKER: Order!

The MINISTER FOR JUSTICE: I think that is a matter of Tweedledum and Tweedledee.

Hon. Sir Ross McLarty: When do you think the revolution might start?

The MINISTER FOR JUSTICE: I do not know; but if people desired to help the lower classes as they did in Russia, there might be a revolution. However, I am not putting the people here in that classification.

Hon. Sir Ross McLarty: There is no comparison.

The MINISTER FOR JUSTICE: Why should a few privileged people be in a position to veto any legislation sent from this House, which is the creator of most of the legislation that becomes law?

Mr. Ackland: There is no reason why everybody should not qualify for the franchise for the Council. People could easily get it if they wanted it.

The MINISTER FOR JUSTICE: If that is so, why have these obstacles? Why have a property qualification if that is the case? Why not put electors on the same basis as applies to this House?

Hon. A. V. R. Abbott: It is not necessarily a property qualification.

The MINISTER FOR JUSTICE: Of course it is!

Hon. A. V. R. Abbott: Do you call a householder a property?

The MINISTER FOR JUSTICE: It does not matter what intelligence a man might have. He could be a professor at the University and the most learned man in the world, but if he had not the property qualification he would not have a vote for the Council.

Hon. A. V. R. Abbott: He would be very unlikely to be a family man if he did not have the vote.

The MINISTER FOR JUSTICE: That is not the question. Why have the property qualification?

The Minister for Works: The family might have been reared and the man might have moved to a hotel.

Hon. A. V. R. Abbott: He would not be a family man then.

The Minister for Works: What would he be?

Hon. A. V. R. Abbott: A man who has had a family.

The MINISTER FOR JUSTICE: Why must a candidate for election to the other Chamber be 30 years of age, when the qualification here is 21 years? On one occasion, the present Minister for Works

pointed out that Pitt was Prime Minister of England at 21, yet if he had lived today, he could not have been a member of our Legislative Council.

Hon. Sir Ross McLarty: Does the Premier think there is any danger of a revolution in this country?

The MINISTER FOR JUSTICE: I do not think he does, but that argument could be used.

Hon. L. Thorn: There was nearly one on the Goldfields with regard to two-up.

The MINISTER FOR JUSTICE: If the hon. member is serious or sincere—

Hon. L. Thorn: Do not let me put you off the Bill.

The MINISTER FOR JUSTICE: —he would know a bit more about two-up.

Mr. SPEAKER: Order! There is nothing about two-up in this Bill.

The MINISTER FOR JUSTICE: I can say for once that I did not mention two-up first! Why should there be any differentiation? Why should a man have to be 30 years of age before he can be a member of the Legislative Council? Is it because a man of 30 is more intelligent?

Hon. A. V. R. Abbott: Why not amend the Act? Why not bring in an amendment for that purpose?

The MINISTER FOR JUSTICE: We are doing so. I am glad I have the hon. member's support.

The Minister for Works: The member for Mt. Lawley is committed!

The MINISTER FOR JUSTICE: I am glad that I have in my predecessor a supporter of that proposal. He has stated that he is not in favour of the age being 30 but would favour 21, as is the case in this House. The Bill also deals with dual voting, and I do not think I need stress that matter. Last year my Leader put up a very good case, and this House agreed to it. I do not see any reason why, if the husband has the qualification, the wife should not automatically have a similar qualification, giving her the vote, to which she is justly entitled.

If members on the other side will agree to that provision, as was the case on the last occasion, two of the proposed amendments will have been accepted. In Victoria adult suffrage applies and if it is good enough there, with that State's population and experience, I think we should be on a similar basis in Western Australia. We are asking only for equality with Victoria in this matter of liberalisation of the franchise.

Mr. J. Hegney: It was brought about in Victoria with the support of the Liberal Party.

The MINISTER FOR JUSTICE: And especially with the support of the Country Party. As the Act now stands, we really disfranchise about 70 per cent. of the people of this State because, as I have said, the 16½ per cent. of our electors who are represented in another place can, by means of that representation, veto any measure that has been passed by this House. I agree with the Leader of the Opposition that tradition is a great thing but on the question of the franchise for another place I think we should get away from the psychology of 1832, the year in which that House was nominated—not elected—and put things on a more democratic basis.

Hon. Sir Ross McLarty: You said this measure was a hardy annual, and I think we should have a look at it.

The MINISTER FOR JUSTICE: Today the situation is different and people want a greater say in public questions. They do not desire any small section of the population to be able to veto legislation that is conducive to the general welfare. I think it can be said that the capitalists have control in another place and that they ride their horses with short stirrups and very often ride a good winner for themselves.

Hon. Sir Ross McLarty: They will be impressed when they hear that you have said they may cause a revolution.

The MINISTER FOR JUSTICE: If I were on the bottom rung of the ladder today and had to put up with some of the legislation that comes from another place I would, with the experience of 30 or 40 years, possibly be with the revolutionaries. All we want is a fairer go—

Hon. Sir Ross McLarty: Would you be leading the revolutionaries or pushing them?

The MINISTER FOR JUSTICE: I would probably be pushing them! It is difficult to get away from tradition and there are many who do not wish to see those on the bottom rungs of the ladder given an opportunity of rising to better things. We, on this side of the House, desire to bring down legislation conducive to the general welfare of the people, but we know that if it is sent on from here to another place there is often a great chance of its being killed there even before the second reading stage is completed. I feel that if some of the representatives of the U.S.S.R. were to come here, they could learn something from another place and would then perhaps be even more restrictive of the working classes than they are now. If we were to emulate the U.S.S.R. in some respects, it is possible that the working class people here would be better off than they are today under certain of our existing legislation.

Victoria awakened and brought down legislation to give everyone in that State a fair deal in the matter of voting at elections there for both the Legislative Council and Legislative Assembly and I feel that we, in this State, should put our

affairs on the same basis. The franchise has been liberalised in Queensland and also in New Zealand. I commend the Bill to the House and hope it will receive sympathetic treatment. We desire to achieve our ends little by little and that is why the Bill does not ask for too much. We do not wish another place to have the opportunity of saying that we are asking for too much. I move—

That the Bill be now read a second time.

**HON. A. V. R. ABBOTT** (Mt. Lawley) [5.22]: As this Bill is of considerable importance, I move—

That the debate be adjourned for one week.

Motion put and passed.

Debate adjourned.

## BILL—CRIMINAL CODE AMENDMENT.

*Second Reading.*

Debate resumed from the 10th September.

**HON. A. V. R. ABBOTT** (Mt. Lawley) [5.23]: This Bill, Mr. Speaker, as the Minister for Justice has explained, is for the purpose of amending the Criminal Code to rectify a number of what I might call technical mistakes and administrative difficulties now existing in it. The matter was brought to a head by the intention to reprint the Criminal Code. Although the Minister made the proposed amendments quite clear to the House, I will repeat some of his comments.

At present it is the Attorney General who ordinarily signs indictments although the legislation contains provision that the Solicitor General may do so in the absence of the Attorney General. I believe the reason for that was that, before any move as serious as an indictment was made against a person, it was considered, some legal knowledge should be applied to the question. I do not think any Minister for Justice would dream of signing an indictment without advice from the officials of the Crown Law Department, and I do not think the Solicitor General would dream of signing an indictment in any matter of importance without the confirmation of the Minister for Justice. I believe that the Minister should take the responsibility of signing indictments and, of course, he would do so only after receiving the advice of his Crown Law Department officials. I see no objection to that amendment.

The next clause deals with the date from which a sentence shall take effect. There is a distinction between convictions in a court of summary jurisdiction and those for offences that require indictment. Of course, indictment cases are those that are brought before the Supreme Court, while the others are dealt with by magistrates. The law provides that any penalty imposed by a magistrate shall date from the time when the person convicted was placed under detention, while in the case of an indictment it starts from the beginning of the session. In many instances criminals are under detention for a conconsiderable time.

The Minister for Justice: Sometimes for a matter of months.

Hon. A. V. R. ABBOTT: Where the offence is serious, the offender may be under detention for a considerable period before trial and though he has been in custody for a good while, the period of his sentence commences only from the beginning of the session. The result of this is that there are frequently applications to the Crown to exercise its prerogative and relieve offenders of so much of their sentences as is covered by the period of detention already suffered. I think that uniformity is desirable and that the commencement of the sentence should be from the commencement of the detention. In these circumstances I do not oppose that amendment.

The next clause is purely technical. The Royal Title, as described in the Criminal Code, is no longer appropriate as it includes places, such as Southern Ireland, which are not now within the dominion of the Crown. The succeeding clause deals with certain sex offences for which the relevant section provides that there shall be punishment by whipping Although that term "shall" is used, in fact, judges have never acted accordingly but have used their discretion.

The Minister for Justice: They have applied it.

Hon. A. V. R. ABBOTT : Well, they may have, but there have been a number of occasions when they have not. It should be left to the discretion of the judges.

The Minister for Justice: It is a matter of deleting the word "shall" and inserting the word "may."

Hon. A. V. R. ABBOTT: The next amendment proposes to extend the terms of Section 403, which deals with certain premises that may be subject to burglary. The penalties for stealing from a house are different to those for stealing from other premises. The maximum penalty for stealing from a house in the daytime is seven years and 14 years if the burglary is committed at night, whereas if one steals from other premises I think the penalty is 14 years imprisonment whether the offence be committed by day or night. However, it was considered that the section was not wide enough and this amendment proposes to rectify that fault. There are a number of other technical amendments but I do not propose to deal with all of them.

The Minister for Justice: They are really proposed to enlarge the interpretations.

Hon. A. V. R. ABBOTT: Yes. However, there is one provision, the wisdom of which I doubt. Section 735 of the Criminal Code reads as follows:—

> On the summary conviction of any aboriginal native for an indictable offence, the justices are required to transmit to the Registrar of the Supreme Court a record of the conviction, and to the Attorney General a report of such conviction together with an abstract of the information and of the evidence for and against the convicted person.

I take it that the reason for that provision is for information to be forwarded to the Attorney General so that he could be assured that justice had been done to the aboriginal native. The proposed amendment provides that the record of the conviction shall be sent to the Minister for Native Welfare. However, he has not the technical knowledge available to him to ascertain whether a mistake at law has or has not been made. I would prefer to leave the section as it is. The Minister for Native Welfare would only have to forward such information to the Attorney General to obtain his advice on the matter.

If a native has been convicted, it is the duty of the Attorney General or the Minister for Justice to ensure that no mistake has been made in the law and that no injustice has been done. Mistakes have been made by magistrates by misinterpreting the law when dealing with natives. I remember that I remitted a sentence on one occasion. I considered that justice had not been done because the law had been misinterpreted. Of course, the native would have the right to appeal to the Court of Criminal Appeal against the sentence, but I think it would be better to leave the section as it is. Those are the only comments I wish to make on the Bill. In my view it is necessary to bring the Criminal Code up to date and, with the exception of the amendment dealing with the convictions of natives, I propose to support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 23—agreed to.

Clause 24—Section 735 amended:

Hon. A. V. R. ABBOTT: I have already given my reason for opposing this amendment. The decision as to whether the Criminal Code has been correctly interpreted should be left to the Minister for Justice and the Crown Law Department. There has, I think, been some misunderstanding as to the true object of the Criminal Code. My opinion of the section under discussion is that is to give the Minister for Justice an opportunity to decide whether the magistrate has carried out his duties in a legal and proper fashion.

If the Minister decides that he has done so, there is nothing more for him to do. However, even if the sentence has been justly and correctly imposed, the Minister for Native Welfare may, if he considers it too severe, make application for a remission in the ordinary way. The Minister for Justice should decide, in the first instance, whether justice has been done in accordance with the law. If he considers that the sentence is not technically justified, he should arrange to have the sentence quashed in the same way as it would be with respect to the conviction of a white man.

Generally, a native is not aware of his true rights as is a white man. I think it wise that further consideration should be given to this amendment and that the section should be left as it is. The intention was not that the Solicitor General should survey it with a view to extending clemency, but to ensure that the trial had been correct and the sentence justified by the evidence.

The MINISTER FOR JUSTICE: I do not agree with the member for Mt. Lawley. The sending of a case to the Minister for Justice or the Attorney General means more or less a waste of time. The Minister for Native Welfare is the protector, and if he is not satisfied, he may still forward the papers to the Minister for Justice.

Hon. A. V. R. Abbott: How would he know whether the proceedings had been technically correct or not?

The MINISTER FOR JUSTICE: He could ascertain whether that was so. It was suggested that these matters should be submitted to the Commissioner and not to the Minister, but Cabinet took the view that the Minister in charge of native welfare should receive the report and decide whether he was satisfied. If he was not satisfied with the sentence, he would submit the papers to the Minister for Justice.

Hon. A. V. R. Abbott: He would not be able to tell unless he had legal advice.

The MINISTER FOR JUSTICE: The matter would be submitted to the Solicitor General. The Minister for Native Welfare would want to know whether the report was correct and would have the help of the Commissioner in reaching a decision. This proposal was submitted by the Crown Law Department and may have emanated from the Chief Justice.

Hon. A. V. R. Abbott: I do not think it did because I made certain inquiries.

The MINISTER FOR JUSTICE: I would not be sure on that point. Doubtless in such a case, the Commissioner would have read the various papers and made a report to the Minister. I daresay that when the member for Mt. Lawley was Attorney General, he did not investigate the details, but if he suspected that anything was not quite correct, he had inquiries made.

Hon. A. F. WATTS: As I understand the section of the Code, it deals with convictions by inferior courts in respect to indictable offences, and in those circumstances, it seems curious that the Minister for Justice should seek to take from his department a fraction of the administration of justice. I fail to appreciate his point of view. His explanation amounted practically to this that such cases should go to the Minister for Native Welfare instead of to the Crown Law Department. As the Minister seems anxious to hand over part of the administration of the Crown Law Department to another department, something that is entirely unnecessary, I must agree with the member for Mt. Lawley.

The department, in any event, is almost certain to know what charges are preferred against natives because the provisions of the Native Administration Act ensure that this shall be done. An officer of the department or of the police acting as protector would know of all proceedings against natives, and if the department were dissatisfied with the decision of a magistrate dealing summarily with an indictable offence, it would be for the Crown Law Department to suggest action. The proposal in the Bill would amount to inserting the thin edge of the wedge into the administration of justice by the Crown Law Department and conferring the power on the Native Welfare Department. However, I agree with the other provisions of the Bill.

Hon. V. DONEY: I was not impressed with the case presented by the Minister, who seemed to be searching his mind to recall who had advised him. If the Minister for Native Welfare could be relied upon to possess the requisite legal knowledge, all would be well, but when I was administering the department, I would have felt most incompetent, without legal assistance, to deal with many of the cases. The position was safeguarded when we had legal men like Sir Ross McDonald and Hon. H. S. W. Parker as Ministers, but generally speaking Ministers would prefer to leave these matters to the Crown Law Department. A Minister might have a great knowledge of native affairs, but might know little that was reliable about the legal aspect. I hope the Minister will agree to retain the present provision in the Act.

Hon. A. V. R. ABBOTT: The Minister did not answer one point I raised. There might be a technical defect in the prosecution or the sentence although, having in mind the general conduct of the native, the sentence might appear to be reasonable. I think the provision was made in the Act to ensure that any technical fault should not be overlooked. The Minister for Justice and the Crown Law Department might be pleased to get rid of this duty, but seeing that the principal object is to ensure that the law has been properly administered, apart from whether discretion has been correctly exercised, we should not agree to this amendment. I wish to make certain that the law is administered correctly, and the Crown Law Department is the one to pick up any defect.

The MINISTER FOR JUSTICE: I do not know any person who would be more responsible than the Minister controlling the department. He has the advice of his Commissioner, who knows the Act very well. It has been suggested that the Crown Law Department and the Solicitor General are jealous of giving anything away with regard to law.

Hon. A. V. R. Abbott: You put my point of view to the Solicitor General and see what he says.

The MINISTER FOR JUSTICE: The hon. member wants to get rid of that responsibility. If I had the advice of the Commissioner, I would certainly see that the native got justice. If, as the Minister, I did not know the law I would go to a man trained in law—the Solicitor General—and get his opinion.

Hon. V. Doney: Do you say that on more than one occasion you have had a raw deal in these matters from the Crown Law Department?

The MINISTER FOR JUSTICE: Never. The Crown Law Department is only too happy to help any Minister.

Hon. A. V. R. Abbott: This is an interpretation of the Criminal Code. Should not this matter go to the Crown Law Department?

The MINISTER FOR JUSTICE: It still can, through the Minister.

Hon. A. V. R. Abbott: He might not send it on.

The MINISTER FOR JUSTICE: Of course he would.

Hon. A. V. R. Abbott: How would he know?

The MINISTER FOR JUSTICE: Through his Commissioner. Nearly all the officers know their Acts very well. Accountants know more about company law, in most instances, than lawyers.

Hon. A. V. R. Abbott: I would not agree with that.

The MINISTER FOR JUSTICE: Nevertheless, it is a fact. I feel that the appropriate man to whom the report should go is the Minister for Native Affairs. He

is sympathetic to the native, and if he is in any doubt, he can submit the matter to the Crown Law Department.

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

| | |
|---|---|
| Ayes .... .... ... .... | 20 |
| Noes .... .... .... .... | 20 |
| A tie .... ... .... | 0 |

Ayes.

| | |
|---|---|
| Mr. Andrew | Mr. McCulloch |
| Mr. Brady | Mr. Moir |
| Mr. Hawke | Mr. Norton |
| Mr. Heal | Mr. Nulsen |
| Mr. W. Hegney | Mr. O'Brien |
| Mr. Jamieson | Mr. Rhatigan |
| Mr. Johnson | Mr. Sewell |
| Mr. Kelly | Mr. Sleeman |
| Mr. Lapham | Mr. Styants |
| Mr. Lawrence | Mr. May |

*(Teller.)*

Noes.

| | |
|---|---|
| Mr. Abbott | Sir Ross McLarty |
| Mr. Ackland | Mr. Nalder |
| Dame F. Cardell-Oliver | Mr. Nimmo |
| Mr. Court | Mr. North |
| Mr. Doney | Mr. Oldfield |
| Mr. Hearman | Mr. Owen |
| Mr. Hill | Mr. Thorn |
| Mr. Hutchinson | Mr. Watts |
| Mr. Mann | Mr. Wild |
| Mr. Manning | Mr. Bovell |

*(Teller.)*

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Hoar | Mr. Perkins |
| Mr. Tonkin | Mr. Cornell |
| Mr. Guthrie | Mr. Brand |
| Mr. Graham | Mr. Yates |

The CHAIRMAN: I give my vote in the affirmative.

Clause thus passed.

Clauses 25 to 27, Title—agreed to.

Bill reported without amendment and the report adopted.

## BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 8th September.

**MR. WILD** (Dale) [6.9]: This is a small measure, as the Minister outlined, to bring within the province of the Act the men working in the State batteries. As one who has lived and worked on the goldfields, I feel it is a desirable object. There must be many men on the fields who in the later years of their working lives prefer a job on the surface—possibly on a battery where they may have to work only one shift as against two shifts on a mine or, perhaps, three shifts in a mill. So I can visualise there would be a considerable number of men who in their late forties would think it desirable to work at a battery.

There is only one point on which I cannot agree with the Minister, and that is when he says there is no dust in a battery. Around the crusher there would be a considerable amount of dust, even though everything is done to minimise it. One question I would like to ask the Minister—and it might be as well if he would get his officers to look at it—is this: What would happen to a man who left the industry, after coming under this Act, and worked at a battery for three years and was then found to have some such disease as miner's phthisis or silicosis?

Mr. Moir: He is covered for silicosis.

Mr. WILD: He might not be for the other disease. When he left the industry, three years before, it might not have been evident, but during those three years it might have moved to a more advanced stage. He might work at the battery for three years and then have to go to the laboratory for his ticket under the provisions of the amending Bill, when he would find that he was in an advanced state of miner's phthisis. The Minister could look into this matter because some men might be thrown out of work. However, the Opposition agrees with the Bill in principle. We think it is right that these men should be brought under the measure. I support the second reading.

**MR. MOIR** (Boulder) [6.12]: I am pleased the Minister has brought down this amendment as it is necessary not only to give protection to workers who at the present time are without cover as far as the Mine Workers' Relief Act is concerned, but also to correct a serious anomaly that has existed with regard to these workers ever since the Mines Regulation Act was amended in 1946.

To get a true picture of what the amendment means, and of the serious anomaly I have just mentioned, we must know something of the various Acts under which the mine worker operates. In the first place he comes under the Mines Regulation Act which provides machinery making it encumbent on him and the employer to see that he has a laboratory ticket before being engaged in the industry at all. The certificate must show that he is free from quite a number of diseases, the principal one of which is tuberculosis.

He then goes to work on the mines and the Mine Workers' Relief Act provides for his subsequent examinations. Should he reach the stage when he has to be compensated because of industrial disease, he comes under the Workers' Compensation Act and also under a section of the Mine Workers' Relief Act. The latter Act is then tied up to the Mining Act of 1904 with regard to definitions. To my mind the Mine Workers' Relief Act should be amended to provide that the definitions which refer to those under the Mining Act of 1904 should be as in the Mines Regulation Act of 1946.

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

Mr. MOIR: As I mentioned, the Mine Workers' Relief Act should have been amended in the direction I indicated when the Mines Regulation Act was amended in 1946. Since 1946, State and private battery workers have been in an anomalous position. Prior to 1946, the definition of "mine worker" was not as wide as it is now under the Mines Regulation Act. A man, before he becomes a mine worker, must submit himself to an examination at the Commonwealth Health Laboratory in Kalgoorlie and obtain a certificate of health which will permit him to work in a mine. Prior to 1946, with the limited definition contained in the Mines Regulation Act, that certificate did not cover a man working in a State or private battery and such a person did not need to obtain a certificate.

But since the amendment to the Mines Regulation Act in 1946, no worker can be employed on a State battery unless he is in possession of that initial certificate. Having obtained the initial certificate, a mine worker is not re-examined under the Mines Regulation Act but is examined under the Mine Workers' Relief Act, and Section 8 of that Act states—

> It shall be the duty of every mine worker to submit himself from time to time to a medical officer or medical practitioner so appointed, or to the laboratory, for examination for symptoms of silicosis or tuberculosis, whenever required so to do by the Minister or any such medical officer or medical practitioner.

That section applies to every worker once he commences to work in a mine, but it does not apply to battery workers. However, the definitions of "mine" and "mining" have now been amended and made very wide. For instance, in the Mines Regulation Act, the definition of "mine" reads—

> "Mine" means a place within a mining district where any operation for the purpose of obtaining any metal or mineral has been or is being carried on, or where the products of any such place are being treated or dealt with or where explosives are being used.

So members can see that that definition covers those who work on a State or private battery within a mining district where operations are being carried on for the purpose of obtaining minerals. Also, the definition of "mining" in the Mines Regulation Act makes the position clearer still. It reads—

> "Mining" or "to mine" means to disturb, remove, cart, carry, wash, sift, melt, refine, crush or otherwise deal with any rock, stone, quartz, clay, sand, soil or mineral by any mode or method whatsoever for the purpose of obtaining gold or any other mineral therefrom.

So we have had the anomalous position obtaining where a man had to be in possession of a certificate of health before he could work at any of these occupations, but, having commenced work, instead of coming under the Mine Workers' Relief Act, he has been excluded because the definition in the Mine Workers' Relief Act, has been so narrow that it has not covered the work on State or private batteries. The definition of "mine" and "mining" here is the same as it is in the Mining Act, 1904. In that Act it states—

> "Mining" or "to mine"—All modes of prospecting and mining for and obtaining gold or minerals.

Of course, anyone at a glance would say that that would cover work on a battery, but in the past Crown Law opinion has been that that definition did not cover work on a battery, and therefore those workers have not been brought under the provisions of the Mine Workers' Relief Act.

That Act is an important one so far as workers in mines are concerned because, not only does it provide for the examination of miners but also, under certain circumstances, it prohibits men from working in a mine. It goes further and, under its provisions, enables miners suffering from certain types of industrial diseases to obtain compensation under the Workers' Compensation Act. Let us take the case of a mine worker who has contracted silicosis with tuberculosis. When a mine worker has contracted that complaint, he has not the right under the Workers' Compensation Act, but is given the right to obtain compensation under the Mine Workers' Relief Act, which, in Section 47, states—

> Whenever a mine worker is prohibited from employment as a mine worker under section thirteen of this Act on the ground that he is suffering from both tuberculosis and silicosis, or receives notice under section sixteen of this Act that he is suffering from silicosis in the advanced stage only, such mine worker shall be deemed as from the date of the prohibition or the notice, as the case may be, to have become totally and permanently incapacitated for work as the result of personal injury by accident arising out of or in the course of the employment in which he was engaged at the date of the prohibition or notice if he was then employed as a mine worker or in which he was last employed as a mine worker within the meaning and for the purposes of the Workers' Compensation Act, 1912-1924, so as to entitle him to compensation from the employer by whom he was employed at the date of the prohibition or notice

> if he was then employed as a mine worker or by whom he was last employed as a mine worker under and in accordance with the said Act.

So we have the position where a man, having complied with the Mines Regulation Act and obtained his certificate of health and subsequently obtained employment on a battery and, after having worked there for some years, developed silicosis combined with tuberculosis, would be entirely deprived of the compensation which a mine worker on one of the other types of mines or plants—even a battery on a mining lease—would be entitled to receive.

So the amendment proposed in this measure will right an injustice that has been done to these men for a number of years. I am a little concerned that the Minister has not seen fit to adopt in whole the definition contained in the Mines Regulation Act. If that had been done, it would have removed any doubts about a worker being deprived of his rights, under either the Workers' Compensation Act or the Mine Workers' Relief Act. A worker who is prohibited from working on a mine because he has tuberculosis alone is not entitled to compensation under the Mines Regulation Act but is entitled to obtain relief under the Mine Workers' Relief Act. Provided he has contracted that disease within 12 months of his working in a mine, he is still entitled to that relief, but a miner may have worked in a mine for many years, contributed to the Mine Workers' Relief Fund during that period, and then taken employment on a State battery.

I can give members an illustration of that, although I will not mention the young man's name. This young chap, after working for many years in the mines, obtained employment with the State battery at Kalgoorlie. He worked there for 13 months. It was then discovered that he had tuberculosis and at present he is an inmate of Hollywood Hospital. But that young man is deprived of any payment from the Mine Workers' Relief Fund because it was over 12 months from the time he left the mines proper to work on the State battery that it was discovered he had tuberculosis.

That is most unfair. I also know of another case of a man at Nullagine who was in much the same position. Because he had been working on a battery, he was not entitled to relief under the Mine Workers' Relief Act. The member for Dale expressed concern about certain workers being deprived of workers' compensation because of the amendment in this measure. I can assure him that that will not be so. This measure will iron out all the existing anomalies and will not deprive any worker of benefits to which he is now entitled. If my memory serves me rightly, he mentioned the yellow ticket, or Form 9.

Form 9 is not now used because since the amendment to the Mines Regulation Act in 1946 that form has been discarded, although holders of that form still receive a surface ticket, as we call it. They are entitled to workers' compensation but are not entitled to mine workers' relief. Form 9 has certain limitations because it does not allow holders of it to work around certain parts of a mine where the men might be subjected to the hazards of contracting silicosis.

There is also the position that arises where a man, while working on the mines, may have silicosis early and decide that he would like to work on a battery. He does so. With silicosis advanced, seeing it is a compensable disease, he would be entitled to worker's compensation under the Workers' Compensation Act; even up to three years after he has left such employment he is entitled to that compensation. Under the present legislation, however, he would not be entitled to mine worker's relief when he had exhausted his worker's compensation. As I have mentioned before, the proposed amendment will entitle him to come under the Mine Workers' Relief Act.

In my opinion that is a very necessary provision because I cannot believe for one moment that any legislature would be prepared to exclude those men and deprive them of their rights under the Workers' Compensation Act. I want to refer briefly to some of the Minister's remarks when he introduced the Bill because I think he may have inadvertently created a wrong impression. I feel sure he does not wish to do that, so I shall draw his attention to the following statement he made when he introduced the Bill:—

> As a general rule battery employees are recruited from the mines and if a mine worker, at the time of leaving the mine, had some degree of silicosis he would not, after becoming an employee of a State battery or a privately-run battery where public ore is being crushed, be eligible for compensation.

But in that case the worker would be entitled to worker's compensation all right because, as I pointed out, he would be entitled to compensation not only for three years after leaving the mine but to compensation while he works for an employer on the battery and for three years after he leaves that employer.

When that worker's compensation is exhausted he is not entitled to worker's relief if he has silicosis advanced or silicosis and tuberculosis; he is not entitled to come under the Mine Workers' Relief Act if he has t.b. alone. There is another statement made by the Minister with which I shall have to disagree and it is as follows:—

> It is realised that work on the batteries is surface work and employees are not subject to dust.

However, the Minister later qualified that by saying—

> But at the same time these men are handling what might be termed silicosis ore.

I take it the Minister meant ore that could give men silicosis because the ore itself has not got silicosis; it is a disease which the worker, unfortunately, contracts. The Minister further said:—

> They could contract silicosis in the early stages before leaving their employment on the mines. In that case these men, by their handling of battery ore, could quite easily promote the growth of silicosis.

There is certainly a very definite hazard on batteries for workers who handle that ore. There are certain classifications which come under the heading of batteries that, according to the Mine Workers' Relief Act, are really classed as underground. These take the form of rock crushing, ore sampling or assay rooms. Change rooms are also included. The man who is the change room keeper is also classified as an underground worker under the Mine Workers' Relief Act, and those occupations are classed as underground occupations in that Act.

I have said before that this amendment could have gone a little further and it could have adopted the definitions of "mine" and "mining" as they are contained in the Mines Regulation Act. We would then have been absolutely sure that no-one engaged in the occupation of producing minerals from ore or in ground that contained those minerals would be left out of the provisions of the Mine Workers' Relief Act. There would not be many of them, possibly a very limited number. I would refer the Minister, however, to the crushing system that is used and in which workers are engaged. I refer to the Bedan pan system where ore is crushed, and not necessarily on a mining lease either. I have in mind the Bedan pan method worked by Allsop and Don in Kalgoorlie.

In years gone by I have known ore crushed by the Bedan pan method and if that was not done on a mining lease, as defined in the Mining Act of 1904, those workers, too, would not come under the provisions of the Mine Workers' Relief Act. I also have in mind certain sand treatment plants where it could be possible for a man to be working and handling sand that had a high silica content. He would be liable to contract silicosis and it is possible, with the provision in the Bill now before the House, that he will be precluded from the benefit of the provisions of the Mine Workers' Relief Act.

Knowing the mining industry as he does, I am quite sure that the Minister would be very sympathetic to any man who was working in that industry, and I am confident he would not like to see any individual precluded from the benefit of those provisions. I might state that it was many years before the case came to light of a man being deprived of cover under the Mine Workers' Relief Act because battery workers are more or less bound up with the mining industry and they change from the battery to the mine and from the mine to the battery as they feel inclined. So, largely, the men are changing from mine to battery and returning, and by returning to the mines they do protect their interests.

The House will understand the position of a man who must go up for regular examination while working on the mine when called on to do so by the Minister or his nominees, the medical men. He does that at periodical intervals of 12 months or so and he then knows what the state of his health is. But if he is working on a battery then, of course, he does not come within the provisions of the Mine Workers' Relief Act and he is never notified that he must be re-examined and is therefore likely to work on in blissful ignorance of the state of his health, industrially. The proposed amendment will rectify that position.

At present there is a distinct anomaly with regard to a worker who, in order to work on a State battery or a private battery, has first to obtain a certificate under the Mines Regulation Act. All batteries come under the Mines Regulation Act so he has to obtain that certificate, but if he continues working there for some years he does not come under the Mine Workers' Relief Act and therefore he is not called up for the periodical examination to which he should be required to submit. Then by some other means he discovers he has contracted t.b. and he finds himself right outside the Mine Workers' Relief Act in respect of payments for the disability which he suffers through contracting that disease.

There is, of course, the other aspect of it, namely, that he is also precluded from his rights under the Workers' Compensation Act if he has been more than three years away from the mine and has been working on a battery and has contracted silicosis in any degree whatsoever and t.b. But he is deprived of compensation under the Workers' Compensation Act because, as I pointed out before, he only gets that entitlement by virtue of the Mine Workers' Relief Act which he does not come under at the present time. Accordingly it gives me great pleasure to support the amendment contained in the Bill before the House and I hope it will be carried and become law. At the same time, however, I would like the Minister to have another look at it to see if it cannot be made more embracing so as to avoid the possibility of any category of workers being left out of its provisions.

**MR. O'BRIEN** (Murchison) [7.56]: I rise to support the Bill. I have listened most attentively to the member for Boulder and I must confess that I support his remarks whole-heartedly, not only because I know that he possesses the capacity and ability to present a case such as that with which the Bill deals but also because I know that he has made a close study of the Act. We have many batteries in the Murchison, I think there are 11 all told throughout the electorate. There are four ten-head mill batteries and seven five-head. At Laverton, Wiluna, Cue and Boogardie there are ten-head batteries. At Lake Darlot, Meekatharra, Peak Hill, Sandstone, Yarri, Mt Ida and Payne's Find there are five-head mills.

From reports received from the Superintendent of Batteries, it appears that, with the exception of Wiluna, which requires repairs, all the others have functioned successfully right throughout. Though the one at Sandstone is in good order, unfortunately there is no ore to crush and there has not been any for the last two years. Employees are sometimes called upon to work at several batteries and therefore they are considered in full-time employment. As mentioned by the member for Dale, if I heard him correctly, there is a certain amount of dust. Under the regulations, that dust is practically eliminated in the batteries today, especially in up-to-date ball mill operations where the one extraction takes place. We are not up to date in our methods in the State batteries at the present time and it is necessary from time to time to resort to sprays and other methods of eliminating dust.

The employees of the State batteries are entitled to justice and the amending legislation will give it to them. I feel sure that this Chamber will whole-heartedly support the Bill and give the workers the protection they deserve. It is true that some of the employees at the State batteries have been miners and have decided to work on the surface, not because they have been turned down by the laboratory doctor, but because they have determined to leave the mines for a few months or perhaps for a few years. In the near future I hope to see an extra battery at Menzies, and I sincerely trust it will be up to date and of the ball-mill type, with the one extraction before the ore or residue is pumped through to the outside dam.

The Mine Workers' Relief Fund is in a sound position. According to the file tabled, there were 5,879 members last year but there has been an increase of 439, making a total of 6,318 for last year, as against 6,091 this year. In large plants it is common to see men employed who have been turned down by the doctor and who hold a pink ticket. These men have been, and can be, employed on the surface of the big mines, with a yellow ticket, but would not, unfortunately, be included in the fund. However, there are quite a number of men, including new Australians, who are employed in the industry and can qualify for mine workers' relief benefit. I support the Bill because only the best is good enough for the men employed in this industry.

**THE MINISTER FOR MINES** (Hon. L. F. Kelly—Merredin-Yilgarn—in reply) [8.4]: I desire to thank members for their remarks on the Bill. I am glad that the measure is regarded as essential. As the member for Boulder stated, it has been overdue since 1946. He made some reference to one or two matters which he considers should have been included in the Bill. The urgency for this measure was stressed from several quarters in Kalgoorlie, and in each instance practically the same amendment was suggested. However, I do see that the coverage could have been a little wider; and in Committee I will move a slight amendment which will widen the provisions and overcome the objections of the hon. member, which I think were legitimate because essentially those that he desires to cover are practically the same as those the Bill has set out to cover, plus a few others.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. J. Hegney in the Chair; the Minister for Mines in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

The MINISTER FOR MINES: I move an amendment—

> That the following words be added to paragraph (c):—"and a person employed in the treatment of sands and residues on the crushing battery".

That would embrace not only persons employed immediately around a battery in connection with crushing of ore, but also those few workers treating sands on the same leases. We know that in many cases those men are subject to very heavy dust; and whether the dust comes from the battery or from the sands, it can have the same effect.

Mr. Wild: Has the Minister any idea how many that would involve?

The MINISTER FOR MINES: I understand that about 26 are at present employed on sands in various parts, but the number may increase over the years because at present the State batteries are using the same team in a number of mills. They cut out one mill in a couple of months and then find it necessary to direct the team to another area. When the industry is in a much more buoyant condition many of these mills will have treatment plants working continuously, and it may be necessary to duplicate

that number to some extent. But never at any time would the total be as large as the number employed in batteries in and around mills themselves.

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

Title—agreed to.

Bill reported with an amendment.

## BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 10th September.

**HON. A. F. WATTS** (Stirling) [8.12]: I propose to support the second reading of this measure because I think almost all of it is desirable. In addressing himself to the second reading, the Minister indicated that the purpose was mainly to make easier, and to some degree cheaper, the operations concerned in securing incorporation under the Act for an association qualified to incorporate. I have one regret, and that is that he proposes to strike out the schedule to the Act which contains the forms used in connection with incorporating associations, without replacing them by the forms that he intends to use.

If I remember aright, the Minister said that the modern trend was to deal with matters by regulation. I am sorry the member for Fremantle is not in his seat at the moment, because I could perhaps look for a smile of appreciation from him of my suggestion that it would be better if the proposed new forms were in the Act itself, when this Bill becomes an Act. The hon. gentleman indicated, of course, that it was proposed by these regulations to simplify and shorten the forms to be used. Having looked many times at some of the forms used under the Act, I think that would be a very desirable state of affairs.

But the unfortunate part of it is that we have no actual evidence that it is going to be so, because there is nothing in the Bill to indicate what type of forms these regulations will provide us with; and I have seen forms prepared, as a result of regulations, by the diligent activity of persons concerned in their preparation, that have been even more involved and undesirable than those that preceded them. I trust that will not be so in this instance. I admit that if it is, there is the possibility that someone may stop them by bringing them before the notice of one House or the other, with a view to their disallowance. But as for many years the forms concerned have been in the Associations Incorporation Act itself, I think it would have been desirable had they been replaced in a new schedule to the Bill before us, indicating with the greatest certainity just what shortening and simplification is actually proposed.

The Minister referred to a part of the Bill which provides that an association shall not be incorporated if, in the opinion of the registrar, its name is offensive, likely to mislead the public as to the object or purpose of the association, is undesirable or is identical with that by which an association in existence is already incorporated under the provisions of the Act. He went further to say that there was a similar provision in the Business Names Act.

There is a somewhat similar provision in that Act, but it goes a good deal further than that contained inthe Bill before us. The Minister proposes to provide that the registrar shall refuse incorporation where the name is identical with that by which an association in existence is already incorporated, but I can imagine a case where the name would not be absolutely identical although the public could easily, in the phraseology of this measure, be misled, because the name might substantially or even closely resemble that of an association already incorporated.

Yet it appears to me that the registrar would have no rights whatever because the name would not be identical with that by which an association had been incorporated before that time. I had a look at the Business Names Act and I find that the position there is provided for as follows:—

> No firm, individual or corporation required to be registered under Part II of this Act shall use a business name and no business name shall be registered which (a) is identical with a business name of a firm, individual or corporation, already registered under Part II of this Act or which in the opinion of the Registrar so nearly resembles any such name as to be calculated to deceive except where the firm individual or corporation already so registered or deemed to be registered is about to cease carrying on business and signifies its or his consent in such a manner as the Registrar requires.

It will be seen that the Business Names Act provides what I really wanted here—an opportunity for the registrar, if he is satisfied that the name which has been chosen by the new association so closely resembles the name of another already incorporated as to be likely to deceive, to refuse to register, and I think that is a most desirable power to give him and one to which the Minister will not object.

I feel that we should safeguard the position also with regard to companies registered under the Companies Act, as well as associations under this Act, because it would be possible to have a name closely resembling that of a company and that would be likely to mislead the public, and I find that the Business Names Act and the Companies Act itself make provision

in that direction. The Business Names Act goes on, in paragraph (b) of Section 26 as follows:—

> Is identical with that by which—
>
> (i) a company which is registered under (or has complied with Part VIII. of) the Companies Act, 1893-1938, is registered or known;
>
> (ii) an association in existence is already incorporated under the Associations Incorporation Act, 1895;

So it is clear that the Business Names Act foresaw the possibility of a conflict with the companies and the associations registered respectively under the Companies Act and the Associations Incorporation Act.

Therefore it seems to me—I am sure the Minister will agree—reasonable that the Associations Incorporation Act should cope with similarity in names in the Companies Act as well as under the Associations Incorporation Act itself, and so I have placed on the notice paper two amendments which I think will, if agreed to during the Committee stage, implement the intentions that I have in mind. I think the idea of handing over the control and management of associations, under the parent Act, to the Registrar of Companies, is a wise one. As I understand it and as the Minister made it clear, in recent years the major responsiblity for these associations has fallen on the Registrar of Companies and his officers, and I think it just as well that that should be made clear because, apart from the fact that that officer appears to have been doing the work, there seems to me to be a distinct connection between the associations, companies and business names legislation.

The Bill provides that any association making any new rules or alterations to its rules shall provide the registrar with a copy of the additions or alterations, verified by affidavit, within 14 days. As I understand it, the parent Act contained no time limit and what had to be done was done as quickly as possible or when the registrar asked for it. Fourteen days is a very short time when one appreciates some of the difficulties involved in getting the rules amended and everything in order within that period, particularly in view of the fact that many associations incorporated under this Act have their headquarters a long way from the registrar's office, and so I propose to ask the Minister to agree to an alteration of the 14 days to 28 days. With those reservations, I support the measure.

**MR. JOHNSON** (Leederville) [8.25]: I have no desire to raise objection to any of the principles contained in the Bill, but there is provided in the measure, I think by inadvertence, a contradiction to a general principle. When the Bill is in the Committee stage, I propose to move a couple of small amendments. I have in mind the provision with regard to the publishing of advertisements setting out certain details.

The Bill lays down that they shall be published in a daily morning newspaper, and as members know in this State there is not, as there is in some other States, any competition as regards the daily morning Press. The result is that legislation in this form tends to create a monoply. I am opposed to monopolies as I think are also the majority of members of this House. At the appropriate time I propose to move an amendment to that provision where it occurs in two places, to delete the word "daily morning," so that the relevant matters may be published in any newspaper.

Those concerned, if the amendment is agreed to, will be given an opportunity to choose the means of notifying the public of their intentions and they will therefore be able to publish the necessary matters in either a daily morning paper, the evening paper or the week-end Press. I believe that the week-end Press may be more fully read than the daily Press.

If it is the intention of a corporation to ensure that those most concerned shall be given the necessary information, it will choose the appropriate newspaper in which to insert the advertisement. A corporation having relation to country matters might choose a journal such as "The Farmers Weekly." I feel sure it was not the intention of the Minister or the desire of this House to create a monopoly, and I think that my proposed amendment, if agreed to, will have the effect I desire.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4— Section 3 repealed and re-enacted.

Mr. JOHNSON: I move an amendment—

> That in line 6 of Subsection (2) of Section 3 re-enacted the words "daily morning" be struck out.

The MINISTER FOR JUSTICE: I have no objection to the amendment. However, a daily newspaper can still be used if it is more convenient.

Hon. A. F. WATTS: I have no objection to what apparently is in the mind of the member for Leederville, but strange things can happen. If the amendment is agreed to, I would suggest that the publication could be made in a newspaper with a limited circulation, and that would not be desirable. One can imagine a newspaper that is published in Perth but having a circulation throughout the State of only

3,000 or 4,000 at the most. The draftsman, however, in considering this amendment, apparently thought that if consideration were to be given to the matter, publication in a newspaper with a circulation of probably not less than 50 times that figure would be suitable. A person desiring to limit publication as much as possible would naturally choose a newspaper with a small circulation, but he would still be within the provisions of the Act. Perhaps, to overcome the difficulty, we could strike out the word "morning" and leave in the word "daily." That would provide for a substantial circulation of the publication throughout the State in at least two newspapers. Therefore, I move—

That the amendment be amended by striking out the word "morning."

The MINISTER FOR JUSTICE: I do not think that would fulfil the intention of the member for Leederville. By striking out the word "morning," the wording would still apply to a daily newspaper and not to a newspaper such as the "Sunday Times."

Hon. A. F. Watts: I would be quite happy as long as the publication was not made in a newspaper with a limited circulation.

The MINISTER FOR JUSTICE: It has just been suggested to me that if the words "approved by the Registrar" were inserted after the word "newspaper," it would overcome the difficulty. If the member for Stirling will withdraw his amendment on the amendment and move accordingly, I shall have no objection.

The CHAIRMAN: I would point out that the member for Leederville has moved that the words "daily morning" be struck out. If the amendment on the amendment moved by the member for Stirling is agreed to, the word "daily" cannot go back. Perhaps the member for Leederville will agree to withdraw his amendment with a view to striking out the word "morning" only.

Mr. JOHNSON: With the consent of the member for Stirling, I think it would be better if my amendment were agreed to and the words "approved by the registrar" inserted after the word "newspaper." I agree that the notices should be published in the area where they are most required, and the Registrar could indicate clearly a newspaper suitable for the publication of the notice to the people who might wish to register.

Hon. A. V. R. ABBOTT: I do not think the amendment by the member for Leederville should be withdrawn. Proper consideration should be given to the clause. If we are to establish the principle that a weekly newspaper is sufficient, it could be approved by the registrar. However, once we go that far—

The Minister for Justice: It could be any newspaper.

Hon. A. V. R. ABBOTT: That would probably be all right, but the clause provides for publication in a newspaper that is published in Perth. There might be newspapers that are not published in Perth.

Hon. Sir Ross McLarty: The "Kalgoorlie Miner" is the only one.

Hon. A. F. WATTS: I think the matter could be solved by my withdrawing the amendment on the amendment, leaving the member for Leederville to go on with his amendment. An amendment could then provide for inclusion of the words "approved by the Registrar," after the word "newspaper."

Amendment on amendment, by leave, withdrawn.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

That in line 6 of Subsection (2) of Section 3 re-enacted, after the word "newspaper" the words "approved by the Registrar" be inserted.

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

Clause 5—Section 4A added:

Hon. A. F. WATTS: I move an amendment—

That at the end of paragraph (b) of new Section 4A the following words be added:—"or which in the opinion of the Registrar resemble any such name in a manner calculated or likely to mislead the public or."

The MINISTER FOR JUSTICE: I have considered the amendment and I agree that it clarifies the clause.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

That a new paragraph be added at the end of new Section 4A as follows:—

(e) identical with that by which a company is registered under the Companies Act, 1943-1951, or which in the opinion of the Registrar ressembles any such name in a manner calculated or likely to mislead the public.

Both in the Business Names Act and the Companies Act, there is a similar reference to that, and I think the connection should be mantained in this legislation. There is a possibility of conflict occurring because of the resemblance of names which could confuse the public when reading the Companies Act in conjunction with this legislation.

The MINISTER FOR JUSTICE: I have no objection to the amendment.

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

Clause 6—Section 5 amended:

Hon. A. F. WATTS: I move an amendment—

> That in line 3 of the proposed new Subsection (3) (a) the word "fourteen" be struck out and the word "twenty-eight" inserted in lieu.

Fourteen days is too short a period, in view of the fact that many associations have their headquarters a long way from Perth. Previously there was no limit to the time in which alterations or additional rules had to be filed with the registrar.

The MINISTER FOR JUSTICE: I intended to suggest 21 days, but will accept the proposal for 28 days.

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

Clause 7—agreed to.

Clause 8—Section 7 amended.

Mr. JOHNSON: I move an amendment—

> That in line 8 of the proposed new proviso (d) (1) (b), the words "daily morning" be struck out and after the word "newspaper" in line 9 the words "approved by the Registrar" be inserted.

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

Clauses 9 to 14, Title—agreed to.

Bill reported with amendments.

## BILL—LOCAL COURTS ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 10th September.

**HON. A. V. R. ABBOTT** (Mt. Lawley) [8.53]: This Bill, although a small one, is of considerable importance because it proposes substantial amendments to the existing law. One amendment is designed to give authority to the Attorney General to appoint temporary clerks of local courts. This practice has been adopted for many years, though possibly in contravention of the Act. However, it is advisable to make the amendment in the interests of economy of administration.

The next amendment deals with Section 99 and is of much greater importance. This section is contained in Part VI of the Act and deals with the recovery of possession of land. It provides that where a tenancy has terminated, either by effluxion of time or by notice following noncompliance with the provisions of the tenancy, if the rent does not exceed £100 a year upon which no fine or premium has been paid, the local court has jurisdiction to grant repossession. Section 100 also gives power to recover possession where the rent is less than £100 per annum and is in arrears for 10 days in the case of a weekly tenancy, 21 days in the case of a monthly tenancy, or 42 days in the case of a tenancy for any longer period. Those are two actions dealing with land in connection with which jurisdiction is given to local courts.

Section 30 confers general jurisdiction on the court and provides that all personal actions in which the amount claimed is not more than £250, whether on a balance of account or after an admitted setoff or otherwise may be commenced, except that a local court shall not have jurisdiction to hear and determine any action in ejectment or in which the title to land, or the validity of a devise, bequest or limitation under a will or settlement is in question, or for libel or slander, or for seduction, or for breach of promise of marriage. That limits the jurisdiction of the local court to actions for recovery of possession of land in the manner I have outlined. Previous to 1930, the jurisdiction in all actions was £100, but in that year the amount was raised to £250, with the exception that, in an action for the recovery of possession, it was allowed to remain at the original limitation of rental of £100. The amending Act particularly excepted Part VI from its application.

Although jurisdiction in most actions is £250, action for the recovery of possession of land remains at the old limit. In raising the jurisdiction, a limitation was imposed in that an action for a sum exceeding £100 had to be dealt with by a judge and not by a magistrate, unless both parties agreed. That provision was not to apply to Part VI, which deals with the recovery of possession of land, because the question of the jurisdiction of the court was not raised. Consequently, no provision was made that if the rent exceeded £100 it should be dealt with by a judge. It was not necessary because the limitation was not increased. No provision is made in the Bill to permit a defendant who is opposing a claim where the rent exceeds say, £100, to have the matter heard by a judge.

I think the Minister has raised the jurisdiction rather too much when he puts it up to £10 a week, because that figure represents a very valuable property—I should say worth at least £6,000 or £7,000 or more. There are many questions of law that might have to be decided. The occupant might claim that the tenancy had not terminated. That would be one defence and there are others.

The Minister for Justice: They could still choose to go to the Supreme Court.

Hon. A. V. R. ABBOTT: No, and that is the point. The plaintiff can select the court, but if the Bill becomes law the defendant cannot. He will come within the jurisdiction of the local court if the claimant so selects whereas if it were a claim for personal property, such as the hire of a tractor, and the value exceeded £250—

The Minister for Justice: That is a matter of money.

Hon. A. V. R. ABBOTT: If it was a matter of the return of a tractor valued at £200 then the defendant would have the right to have the action heard by a judge. Land matters, in my view, are more important to litigants or people who have opposite views, than are questions of personal estate, and in land matters the jurisdiction is to be handed to the magistrate. I think further consideration should be given to this aspect. All property, both real and personal, should be dealt with on the same lines. If the Minister, instead of making provision for an annual rental of £500, had stipulated £250 and made provision for the section which states that a defendant can have the matter heard by a judge if he so desires, or that it must be heard by a judge unless the litigants agree otherwise, the Bill would have been in conformity with the rest of the Act.

The Minister for Justice: We would have liked to do that in regard to rent and damages, but we found there were other amendments that had to be made before we could do it, so we left the matter as it is now. You must remember, too, that the amount of £250 was included in 1930 and the value of money today is much less.

Hon. A. V. R. ABBOTT: That possibly is so. It might be advisable to increase the jurisdiction of the court generally.

The Minister for Justice: That was our intention until we knew about the other necessary amendments, and then we thought we would leave it for the time being.

Hon. A. V. R. ABBOTT: I think provision should have been made that in certain circumstances—say if the rental was in excess of £250—the defendant should have the right to have the matter tried before a judge. Property worth in excess of £5 a week is rather important.

The Minister for Justice: When it was £100 there was not that privilege.

Hon. A. V. R. ABBOTT: I agree, but I think the Minister has gone too far. I think an alteration could be made to the Bill, but it can be made only by the Minister, or by the introduction of another Bill because the section requiring the amendment I have in mind is not mentioned in this measure. Where the amount of rent involved or the value of the land is such that it earns a rental of more than £250, then the matter should, if the defendant so wishes, be heard by a judge.

The Minister for Justice: You cannot amend it here.

Hon. A. V. R. ABBOTT: I think it would be very difficult. In the meantime, I am of the opinion that it would be better to reduce the amount of £500 to £250. I see the Minister does not agree.

Mr. McCulloch: You would be putting value back into the £.

Hon. A. V. R. ABBOTT: That is so. The provision in the Bill goes further because it is intended to amend Section 103 which deals with an action to recover land held without right, title or license. So again the Minister is placing the jurisdiction of the court at a pretty high figure because he is allowing it to decide whether a man is rightly or wrongly in possession of a property which might be worth £8,000 or £10,000. I consider the Minister has gone too far, particularly with regard to Section 103, because it states—

> If any person shall, without right, title or license, be in possession of any land the value whereof does not exceed one hundred pounds by the year, the owner or person entitled to immediate possession may enter a plaint in the court held nearest to the land to recover possession thereof.

The Minister for Justice: You are only recovering possession.

Hon. A. V. R. ABBOTT: Yes, but recovery of possession might involve quite a difficult argument.

The Minister for Justice: It would be over £500.

Hon. A. V. R. ABBOTT: It is an annual rental of £500, which would mean that the property would be worth £8,000 or £9,000. I hope the Minister will consider reducing the jurisdiction to some extent because he will prevent a defendant from putting his case before a judge where the matter is not of a trifling nature but where big issues are involved and valuable property is concerned.

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Eyre—in reply) [9.10]: The Bill was brought down for the sake of economy. Having to go to the Supreme Court instead of to the local court or some other court of summary jurisdiction was costing people much more than when the Act was first brought into operation. In consequence, not only did the litigants want some consideration in that direction, but the Crown Law Department thought it was fair that a number of these cases should be dealt with in the local court instead of the Supreme Court, where the costs are so much higher. With regard to the increase of £100 to £500, there has been no increase since about 1904, and if we take the value of money in 1904 and compare it with the value today, we find this is not a sufficient increase to be even comparable.

Hon. A. V. R. Abbott: I think you are a little extreme there.

The MINISTER FOR JUSTICE: I do not think the member for Mt. Lawley has any real argument here. The only reason for this is to keep down costs in order to help the people. I am sure the judges

of the Supreme Court would not take exception to this amendment. The only exception that might be taken to it is that the local court magistrates might have to undertake more work, but I feel they can handle this as they did previously when the jurisdiction was only £100. With regard to the recovery of rents and damages, if we did not have to amend other Acts we would have made the legislation uniform throughout. Instead of having £250 we would have suggested that the House make it £500 also. I oppose any alteration because I feel that, as far as jurisdiction and competency are concerned, the local court can deal with these matters, and if any action becomes so complicated that it has to go to Supreme Court, then both the defendant and the plaintiff will have to bear the costs.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 99 amended:

Hon. A. V. R. ABBOTT: I move an amendment—

> That in line 3 the word "five" be struck out with a view to inserting another word.

The Minister should have repealed that portion of Section 70 which deals with this aspect; I refer to that portion of it which says that where the action involves a sum of over £250 the defendant can have the matter heard by a judge. As it is now, the plaintiff is in the happy position of being able to select either court but the defendant has not that right; he must take the plaintiff's choice. This measure will take away the rights of a defendant.

The Minister for Justice: They are taken away whatever figure you make it.

Hon. A. V. R. ABBOTT: I think the Minister should have repealed a portion of Section 70.

The MINISTER FOR JUSTICE: I oppose the amendment. When one compares the value of money today with what it was when the principal Act was first introduced, one realises the necessity for this measure. If we force people to go to the Supreme Court in every case over £100, it will cause a good deal of inconvenience and extra costs.

Hon. A. V. R. Abbott: But they can be forced into the Supreme Court if the plaintiff decides to take the case to that tribunal.

The MINISTER FOR JUSTICE: But it is not likely that a plaintiff will go to the Supreme Court if he can go to the local court with a fraction of the costs.

Amendment put and negatived.

Clause put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Section 103 amended:

Hon. A. V. R. ABBOTT: I move an amendment—

> That in line 2 of paragraph (a) the word "five" be struck out with a view to inserting another word.

I move this amendment for the same reasons as I moved the previous amendment. However, this is rather more important because this particular part of the Bill will have effect where there is no tenancy but someone is in possession of land.

The MINISTER FOR JUSTICE: I oppose this amendment for the same reasons I gave before.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

## BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 10th September.

**HON. L. THORN** (Toodyay) [9.23]: I have no objection to this measure because the composition of the appeal board is fair to all concerned. There are representatives of the appellant and the department and an independent chairman. During the time I was Minister for Labour I found that the board operated in a very fair manner. The principal amendment in this measure will give to a wages man registered under an industrial agreement the right to appeal if he applies for a staff position and his application is not successful. That is quite a reasonable amendment.

Opportunities are often missed in one's life and I know of many men who have had the benefit of a good education but because of the scarcity of employment have taken positions on the wages staff. There are also men employed on wages who have studied hard and endeavoured to improve their educational standard in an effort to take administrative positions when the opportunity occurred. I agree with the principle contained in the Bill which will enable a wages man to have a right of appeal if he is dissatisfied. When a man appears before the Appeal Board he is given an opportunity to state reasons why he thinks he should have been appointed to a certain position. In this way it frequently prevents any ill-feeling.

The other amendment in the Bill states that the board shall not consider a man acting in a temporary capacity as having

superior qualifications for that position when applications are called. The word "efficiency" is mentioned. If a man has been acting in a certain position for, say six months, I believe, that he should be given greater consideration. Favouritism can be shown, as we all know. The departmental head watches the work of his officers and there are times when an officer junior to those who consider they are entitled to a position, is recommended for it, because the departmental head knows that he is efficient. But I consider that, all things being equal, if a man has acted in a certain capacity for some length of time he should be given greater consideration when a permanent appointment is made. I do not think the Appeal Board could do anything else but take into account the fact that a man had acted in a certain capacity. Generally speaking, the measure is a fair one and could be called democratic. For the reasons I have mentioned, I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

Bill passed through Committee without debate, reported without amendment and the report adopted.

## BILL—HOSPITALS ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 10th September.

**HON. DAME FLORENCE CARDELL-OLIVER** (Subiaco) [9.37]: I am entirely in agreement with the first part of the Bill. However, a good deal of clear thinking is required when considering the second part. I refer to the clause that provides for shipping companies to be directly responsible to hospitals for the hospital expenses of their crews. Of course, shipping companies are now responsible for such expenses but the clause seeks to discriminate between the shipping and other industries. The shipping companies are not endeavouring to escape their obligations. The real intention of this apparently innocuous provision, however, is to compel them to pay roughly twice as much for hospital expenses as any other industry in Western Australia.

The Minister for Health: They have always paid those charges under the Navigation Act.

Mr. Hutchinson: But not twice as much.

The Minister for Health: They have always paid the cost of the bed, whether it is twice as much or not.

Hon. Dame FLORENCE CARDELL-OLIVER: After I have finished making my remarks, I shall be glad if the Minister will vindicate everything I have said. I know what shipping companies have paid in the past and what they pay now, but what they may pay in the future I do not know. The fact that shipping companies pay twice as much for hospital expenses as those in any other industry is discrimination in its worst form. I will give the facts, as I know them, of the events that led up to the introduction of this provision.

We all know that industries are responsible for looking after their injured and those suffering from industrial diseases. However, in all industries except*ing the shipping industry, this protection* to workers is granted under the State Workers' Compensation Act. Men working on ships that are plying on the Australian insterstate routes are afforded protection under the Navigation Act of 1912, and those who are serving in British ships are covered by the Merchant Shipping Act, 1906. The seamen who are employed on Australian ships are also covered by an industrial agreement registered in the Arbitration Court. Further, there is a Commonwealth Seamen's Compensation Act, which we need not consider at present because seamen have greater rights under that legislation and this, generally speaking, is the Act under which they claim for hospital expenses.

What, then, is the difference? The seamen who are working on State ships are protected by our own compensation Act. By virtue of the provisions of the Merchant Shipping Act, the Navigation Act and the State Shipping Service industrial agreement, a sick seaman landed from a ship must receive medical attention until he is cured or dies or is returned to his own port. These shipping Acts are similar to the State Workers' Compensation Act in that they provide that the industry must care for the injured and the sick worker.

At the beginning of this year, the shipping companies noticed that, although the Fremantle Hospital charged 35s. per day for an injured waterside worker, the same hospital charged £3 2s. 5d. per day for an injured or sick seaman. When they asked the reason why, the hospital authorities advised them that the cost of maintaining the hospital had been calculated at £3 2s. 5d. per bed per day and that the shipping companies were being charged that amount as the fee for a sick seaman. The shipping companies then pointed out that under the Hospitals Act the means of the patient should be taken into consideration and that the hospital was regarding each shipping company as the patient instead of the sick seaman.

The shipping companies then requested that the hospital accounts be sent to the individual seamen and that they would be reimbursed by the shipping companies. However, the Fremantle Hospital protested against this. The shipping com-

panies then sought a conference to adjust the matter amicably. Without prejudice, they voluntarily resumed paying the sum of £3 2s. 5d. per day to the Fremantle Hospital so that the conference could be held in a true spirit of conciliation. That conference was held on the 2nd July, 1953, in the Chief Secretary's office, and the Under Secretary of that department, Mr. Stitfold, received the delegates.

At that meeting, the shipping companies protested against their industry being singled out and being charged almost double for hospital fees compared with other industries. The delegates asked that their industry be treated the same as others and made it quite clear that they were not trying to escape their responsibilities. They pointed out, however, that they resented the injustice of being singled out for discrimination. The Under Secretary said he would consider the matter and would advise the companies of the department's decision in due course. I do hope the Minister will register the fact that the shipping companies have not been advised of that decision up to date. In the meantime and without any warning the provision I have referred to has been sandwiched into the Hospitals Act Amendment Bill now before the House and it could quite easily have passed unnoticed.

Since the 1st July, 1953, the Fremantle Hospital's charge to the shipping industry has increased from £2 2s. 5d. per day to £3 7s. 4d. per day. One would like to know when these increases are going to stop. The point at issue is not whether the shipping companies should be made liable to pay the expenses of their sick or injured employees, but whether they must pay as much as any other industry. That is the question. And that is the question I now propose to deal with. It will probably mean increased freights and higher costs to Western Australia if this Bill is passed as it now stands.

To illustrate how unfair the Bill is I will give the House a couple of examples. From time to time seamen are left at Fremantle suffering from tuberculosis. They have been sent to Wooroloo Sanatorium where they have been charged £3 6s. 11d. per day per bed. In the same hospital there are several patients from the goldmining industry and the patients from that industry are charged 35s. a day. Why the difference? This is certainly discrimination.

At Kwinana the Anglo-Iranian Oil Coy. is employing approximately 1,000 men. This is an English company and the Fremantle Hospital charges this industry 35s. a day in respect of any injured employee. But if there is an accident to a member of the crew bringing equipment to Kwinana and that man is left at Fremantle, then the charge is £3 7s. 4d. per day. Two men may have similar accidents and they may be in the same ward being attended to by the same doctor, but that does not count. What does count is the fact that the shipping industry is expected to pay a higher rate.

This is discrimination whatever one might say to the contrary or whatever party one might belong to. It may be said that the justification for this discrimination is that the reduced rates are for the benefit of the taxpayers. At the outset let me remind the House that the shipping companies are taxpayers. Let me remind the House that uniform taxation applies over the whole Commonwealth and in the case of interstate ships they probably pay only Australian taxes and no other. But those in British ships are also Australian taxpayers. They have to register in Australian States under the Companies Act; they are resident in Australia for the purpose of paying taxation and they should be here for the purpose of enjoying the same privileges and benefits as other industries.

One of the biggest goldmining companies is the Lake View and Star. It is not an Australian company, but an English one. Why should not shipping companies be on the same footing as this company and as the Anglo-Iranian Oil Coy.? The Government may say that these seamen are not taxpayers. If the provision making the shipping companies liable becomes law, this objection disappears because the department will then be dealing with shipping companies that are taxpayers.

Logically the department cannot rely on the test because those associated with the State Shipping Service—and this is a big point—are charged the same. Are they not residents? Are they not taxpayers? The North-West hospitals and the Fremantle Hospital charge the State Shipping Service the same high rates even in respect of Fremantle residents who are taxpayers in Fremantle. Again, if this is the test, why do so many Australian seamen, landed from interstate ships, incur the same high rate? Do the other States charge the same rates as Western Australia? Perhaps the Minister will tell us that.

To be employed on an interstate ship a seaman must be an Australian and belong to the union. All Australian seamen are, of course, taxpayers, and the fact is that, notwithstanding the domicile of the seaman, the hospital charge is £3 7s. 4d. a day. For certain favoured Western Australian industries the cost is 35s. a day. Where will such an outlook take us? Although there are foreign ships that go to Fremantle, the increased charges hit mainly at the Australian and British ships. In England, of course, there is free medicine for all, and if they happen to be there, Australians also share

in it; whether they are visitors or members of a crew they share in the free medicine scheme of England.

No wonder English interests in the shipping world are bewildered that we in Australia should consider discrimination, let alone practice it! We pride ourselves on our British Commonwealth relationships; on our being part of the British Commonwealth of Nations. Being part of the Commonwealth should mean unity, but this means insularity. During the Coronation there was a great surge of Empire loyalty, and many eloquent speeches were made. Here is our opportunity to convert those sentiments into practice; here is an opportunity of showing our appreciation of the British Merchant Navy, which has meant so much to us in the past.

I do not say that we should give it an advantage—I do not ask for that—but we should treat it on the same footing as other industries. We would probably not be here if it had not been for Britain and British ships. I point out that hospital expenses are paid by insurance associations or protection clubs, I think they are called, because I am sure the Minister will bring this matter up. These clubs, which are comprised of shipowners, are non-profit-making. They are shipping associations.

Their expenses are met by shipowners and consequently the extra hospital charges are direct charges to the shipping companies. It is reasonable to assume that eventually these expenses must be reflected in extra freights. That is an extra cost to the worker and the taxpayer of Australia. I intend to vote for the second reading but reserve the right to give further consideration to the Bill in Committee.

**MR. HUTCHINSON** (Cottesloe) [9.50]: I believe that I shall be able to add something of weight to the discussion on this Bill. To my mind it is a queer measure in that it contains two principal provisions that are almost entirely unrelated. Possibly it is a document that could be used by a professor of economics or of political history for the instruction of university students in order to illustrate how in Parliament occasionally a Government can include in a seemingly harmless measure one provision entirely unrelated to another proposal in the hope of getting it passed, because with this exception, the Bill is one that ought to receive our approval.

As I have indicated, with the first portion of the measure, I have no quarrel at all. Briefly, it seeks to authorise the Government to guarantee a loan to the Royal Perth Hospital in order that the new wing may be completed and the work of the institution carried on more economically. The Minister's explanation of that provision was quite satisfactory and doubtless all members will give it their support seeing that the State is in need of additional first-class hospital accommodation.

With the second proposal in the Bill, which, as I have stated, is unrelated to the first part, I disagree almost in its entirety, though not completely. This proposal should be of considerable interest to every member because it seeks to provide that a shipowner and his agent shall be jointly and severally liable for hospital expenses incurred by employees of the shipowner. In that simple statement, there appears to be nothing to which exception should be taken, but on examination, it will be found that there is a sting in the tail. The member for Subiaco objects to it.

The Bill provides that the owner of the ship and the agent shall be jointly and severally liable to pay to the board the prescribed fees for any hospital service granted in or by the hospital to the master, seaman, apprentice, or member in respect of hurt, injury, disease or illness. That sounds harmless enough, but in effect it will mean that the shipping companies will be called upon to pay almost double what is charged for employees in other industries when they require hospital treatment.

Mr. May: How do you work that out?

Mr. HUTCHINSON: If the hon. member follows my argument, I think he must agree that some injustice will be done. At present the employees in all other industries are covered by the Workers' Compensation Act.

The Minister for Labour: If residents of the State.

Mr. HUTCHINSON: Yes, but in the case of the shipping industry, other Acts take precedence over the Workers' Compensation Act in the matter of hospitalisation for employees. This provision will have the effect of requiring the shipping companies to pay double what is charged for an employee in any other industry. Why should the shipping industry be singled out for such treatment? I doubt whether any member can answer that question satisfactorily.

The Minister for Health: Why should foreigners who do not contribute to our revenue receive accommodation for less than cost?

Mr. HUTCHINSON: A lot of the seamen are not foreigners.

The Minister for Health: A lot of them are.

Mr. SPEAKER: Order! The Minister has the right of reply.

Mr. HUTCHINSON: A foreigner might be employed by a British company or an Australian company and he might be injured in the course of his employment while assisting in the transport of goods to and from the State. The foreigner to

whom the Minister referred does not pay the hospital charges. They are paid by the shipping company.

The Minister for Health: The insurance.

Mr. HUTCHINSON: Did the Minister interject?

Mr. SPEAKER: The hon. member should disregard interjections.

Mr. HUTCHINSON: I was hoping that the Minister would give me another point upon which to work. There is no substance in the Minister's reference to foreigners because they are not the people who have to pay for hospital treatment. The charges are paid in the case of a British ship by the British merchant navy, and in the case of an Australian vessel, by the Australian owners. However, that is only a minor part of my answer to the Minister. We have Australian ships manned by Australian seamen calling at Fremantle. We have vessels of the State Shipping Service, manned for the greater part by Western Australians who live at Fremantle and are taxpayers. Yet, if they require hospital treatment, a charge of £3 7s. 4d. per day will be made, whereas a man from any other industry who receives exactly the same treatment is charged only £1 15s. The shipping companies have no wish to evade the obligations that confront them with regard to injured employees. They merely desire that they be not the ones singled out for discrimination—to pay double what any other industry is charged. I cannot understand why the shipping industry is singled out.

The Minister for Health: What has the Fremantle Hospital Board done about it?

Mr. HUTCHINSON: The board, of which I am a member incidentally, has through its secretary, endeavoured to have the shipping companies pay the full hospital costs. Although the secretary wrote letters asking the shipping companies for the full costs, I was not in complete agreement. It is only since the Bill has come before the House that I have seen the other side of the picture, and it is so coloured that I am greatly enlightened. I strongly urge all members to acquaint themselves as fully as possible regarding this matter, otherwise a great injustice may be perpetrated.

I still have a number of points I desire to make, and although the member for Subiaco mentioned some of the other Acts under which the Australian and British ships operate, I would like, as a background to my speech, to mention a few of the same matters. I have already said that all State industries come under the Workers' Compensation Act with regard to the hospitalisation of injured employees, but the master and crew of an Australian ship come under the provisions of the Navigation Act. In this category also are British ships registered in Australia.

The Merchant Shipping Act covers and protects seamen in the British merchant navy. Foreign countries have Acts that are rather similar. At this stage it would be appropriate if I were to read the relevant portions of the Navigation Act under the provisions of which the Australian seamen operate. The wording of this Act is rather similar to what we find in the Bill. Section 127 of the Navigation Act, 1912, provides—

> (1) If the master or a seaman or apprentice belonging to a ship—
>
> (a) receives any hurt or injury or contracts disease in the service of the ship; or
>
> (b) suffers from any illness not being an illness due to his own wilful act or default, or to his own misbehaviour,
>
> the expense of providing the necessary surgical and medical advice, attendance, and medicine, and also the expense of the maintenance of the master, seaman or apprentice until he is cured or dies, or is brought or taken back, if shipped in the King's Dominions, to the port where, in accordance with his agreement, he is entitled to be discharged, or such other port as is mutually agreed upon with the approval of the proper authority, and of his conveyance thither, and in case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction therefor from his wages.
>
> (2) If the master, or a seaman or apprentice is suffering from disease or illness and is, for the purpose of preventing infection, or otherwise for the convenience of the ship, temporarily removed from his ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.

There are two other subparagraphs which have no bearing on the case, so I shall not read them. We find that in the Imperial Merchant Shipping Act of 1906, practically the same thing obtains in Section 34—

> (1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness (not being . . . an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death,

the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

That is really the only relevant portion of that Act which I feel it necessary to quote. These two Acts operate all over the British Commonwealth—the Australian Navigation Act in Australian waters and the Merchant Shipping Act wherever British merchant navy ships fly their flag.

The member for Subiaco said that if a member of the crew of a State ship were injured whilst on duty, not in the port of Fremantle but on, say, the run to Darwin, then he would be hospitalised under an industrial agreement—I believe this is the fact, but I may be wrong—registered with the Arbitration Court. We find that for a Fremantle seaman, who is injured in the North-West and put into a North-West hospital, or brought back to Fremantle, the Australian taxpayer is charged £3 7s. 4d. per day. I cannot see any justice in this at all, and it is a factor which should be remedied.

The Minister for Health: The shipowners have been very active and have given you a lot of useful information.

Mr. HUTCHINSON: I believe it is customary when a Bill is brought before this House for whoever secures the adjournment of the debate—and any other interested member—to go to all lengths possible to gain as much information as is available as to the impact of the proposed legislation on the section of the community upon which it bears.

The Minister for Health: I agree.

Mr. HUTCHINSON: Does the Minister deny my right to follow that course? No shipping company approached me, but I went down to see the secretary of a shipping association at Fremantle.

Mr. Moir: You were not so worried about justice when you were on this side.

Mr. HUTCHINSON: That is unfair and apart from the point. Will the hon. member try to appreciate that this is something apart from that? It is not a party matter at all, and the fact that the Government brought the measure down should not, I think, be any reason for members to follow blindly the lead given by the Minister.

I know the department is faced with extraordinarily heavy hospital costs and that the deficit this year will reach a frightening sum, but in its endeavours to seek a solution of the difficulty and eliminate the loss being sustained, the department has made this move. I see no reason, however, to single out one industry to help meet our mounting hospital costs. A fair thing would be to say that all concerned should pay say £2 5s. per day, and not just one industry. I cannot believe that the Minister is fully cognisant of the injustice that would be done to the shipping industry if the Bill became law in its present form.

The Minister for Health: If they were so concerned, why did not the shipping interests bring a deputation to the Minister?

Mr. HUTCHINSON: On the 2nd July last the shipping interests had a deputation, but it did not go to the Minister. It was side-tracked to the Under Secretary for Health.

The Minister for Health: I would not say it was side-tracked.

Mr. HUTCHINSON: I did not mean to use that term in an offensive way, but the Under Secretary heard the deputation, at which the shipowners sought to have the matter rectified and pointed out that there was here a discrimination entirely repugnant to the British sense of fair play or to the Australian sense of fair play or to anyone's sense of fair play I am open to correction here as I am speaking from memory, but I believe that when the shipowners had presented their case, the Under Secretary said he would approach the Minister and would let them know the result; but the next they heard of it was the presentation of this Bill to the House. The Minister may correct me there, when he replies, but I think it was a bad show that such a thing occurred. In answer to the Minister's original query, I say a deputation has been taken to the Health Department.

I now come to a matter of Empire reciprocity. When an Australian ship is in English waters and a member of the crew becomes ill or is injured, he is taken ashore in an English port, and is given the best possible treatment in England free of charge under the very broad medical benefits scheme operating there at the present time. When a British ship is in Western Australian waters—at the port of Fremantle, for instance—a seaman who is sick or injured is placed in hospital and is charged £3 7s. 4d. per day.

It is not as though that charge is a cost that is borne by all other industries. The British company, whose country has given free service and treatment to our seamen —and still does—finds that it as faced, at Fremantle, with having to pay double what anyone else in this State pays.

Mr. McCulloch: That is Dr. Earle Page's scheme.

Hon. Sir Ross McLarty: It has nothing to do with him.

Mr. HUTCHINSON: The hon. member cannot brush the argument off like that. The proposal now before us is unprecedented in the British Commonwealth of Nations, in that it attempts to discriminate in the matter of these charges against shipping companies in this State. No other country in the British Commonwealth of Nations has done anything like this and I suggest that we should pay

great heed to that fact. It is unthinkable and unfair in the extreme that we should charge the British merchant navy double what anyone else pays in this State, while our seamen and shipping companies receive free treatment in England. The objection is not to the £3 7s. 4d. per day charged, but to the fact that it is double what anyone else pays.

I have with me a file of letters, and two of them from England I think I should read at this stage because they give added weight to the point I have been trying to make that there has been no reciprocity in the matter of hospital charges for shipping cases. This letter is above the signature of Mr. Ward, who is the assistant manager of a North of England protection association.
The letter reads—

> Re Hospital Charges.
>
> To our minds, and we think we shall be echoing the sentiments of the majority of shipowners on this side, a point about this discrimination which makes it most unfair is the reciprocal arrangement which we have under our National Health Insurance Scheme whereby seamen of such reciprocal countries, whilst in the United Kingdom, can receive the benefit of our insurance service, including hospital treatment. When Australian seamen require medical attention in this country they no doubt get it free under the scheme, and there is no thought of charging them anything like £3 2s. 5d. per day or over 20 guineas per week. Furthermore, we think we can safely say there is no discriminatory action shown by any other part of the British Commonwealth—even in Canada the payment of sick mariners' dues confers the same benefit on shipowners as anyone else. It is not as if the Australian Government were discriminating against foreign shipowners who show no reciprocity as regards their nationals but they chose to penalise British shipowners along with the rest.

These letters can be checked if members desire to do so. There is another letter in a similar tone above the signature of Martin Fryer, the manager of another British protection and indemnity association. These associations really represent the British merchant navy. They are protective organisations that endeavour to distribute shipping costs in all sorts of ways. In other words, it is a form of insurance for sailors. The letter reads—

> re Hospital Charges.
>
> I duly received your letter dated 13th instant with enclosures, and carefully noted contents.
>
> The United Kingdom Association received your airmail letter referred to, a day earlier than we did, and they have sent me a copy of their reply dated 18th instant approving of your suggestion to voluntarily endorse outstanding hospital accounts for payment at the existing rates, without prejudice, or other appropriate formula you consider desirable to preserve the shipowners' rights pending a conference.
>
> So far as this Association's interests are concerned, we approve of the authority given by the United Kingdom Association and of their suggestions respecting proposed conference. You suggest that you should not be present as a lawyer's presence might not be helpful, whereas Messrs. Miller think it would be an advantage because of the legal aspects.
>
> I have noted with particular interest your comments as regards the discrimination against shipping companies as such, because they are liable for treatment of sick employees from their vessels, on the ground that hospitals are maintained for the benefit of residents and not "travellers." Seamen are not travellers for pleasure but visit Australian ports in the course of their occupation and for the benefit of trade. It seems somewhat extraordinary to us here that there should be this discrimination so far as British vessels and nationals are concerned. Under the National Health Scheme in operation in the United Kingdom, seamen from other countries whilst here obtain the advantage of our medical benefits under that scheme, including hospital treatment without charge when there are reciprocal arrangements in force in their own country. If and when Australian seamen require medical treatment here they would get it free under the scheme, and there would be no thought of endeavouring to collect £3 2s. 5d. per day from their employers.
>
> No such discrimination against British shipowners and nationals is practised in other parts of the British Commonwealth, e.g., in Canada payment of sick mariners' dues confers the same benefits as regards treatment of British seamen as anyone else.
>
> Instead of discriminating against British seamen and their employers in the way of hospital charges, having regard to what is done here, your Government should be disposed to treat them on a more favourable basis.

Those letters show how bewildered and alarmed the British merchant navy and shipping people generally have become because of the strange provision in this Bill.

Hon. Sir Ross McLarty: It is an outrageous provision.

Mr. Hearman: What would be the position of overseas airlines?

Mr. HUTCHINSON: I do not know. But before completing the section regarding British Commonwealth reciprocation, I feel we could make in the Bill special exception in respect of the British merchant navy and all Australian companies. For the major part, the ships of Australian companies are manned by Australians, and those men and women, as Australians, pay their taxes, and yet we find that they still have to pay double what people in other industries have to pay for hospital treatment. So if we could exclude, under the provisions of this Bill, Australian and British shipping companies we would be getting somewhere.

Now let us take the case of foreign countries, and take, for example, an Australian ship en route to the United States. On the voyage, one of the Australian seamen becomes ill, or is injured in some way. He would be taken ashore, placed in a hospital and the full charges would have to be paid by the Australian company. So members can see my reason for saying that there should be some reciprocity in this question, and the same treatment should be accorded foreign seamen as is accorded our seamen when they are in foreign countries. Foreign companies should be charged full hospital costs for any of their injured seamen, and with that in mind I have had an amendment framed which I think will fit the situation and iron out the wickedness of this provision as far as it applies to Australian and British companies. I reluctantly support the second reading and I lodge a strong protest against two such provisions being placed in the one Bill. It is not in the best interests of good legislation and I trust that such a practice will occur less frequently in this Chamber in the future.

On motion by Hon. J. B. Sleeman, debate adjourned.

*House adjourned at 10.33 p.m.*

# Legislative Council

Wednesday, 16th September, 1953.

CONTENTS.



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

## QUESTIONS.

### ROYAL PERTH HOSPITAL.

*As to Bank Negotiations for Loan.*

Hon. H. HEARN asked the Chief Secretary:

(1) Is it true that late last year the Hospital Board of Western Australia approached its bankers, the Commonwealth Bank of Australia, for a loan of £300,000 to assist the early completion of the hospital building programme?

(2) Is it true that the Commonwealth Bank declined to grant the loan?

(3) Is it a fact that the Hospital Board approached the Bank of New South Wales for a loan of £300,000 and this bank eight months ago agreed to make that amount available for the completion of the hospital?

(4) Is it true that after this bank had made £300,000 available, the present Government refused its approval of the loan on the plea that Labour policy would only guarantee accommodation at Government banks, where such was practicable?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Yes.

(3) Yes. The proposal of the Bank of New South Wales was for re-payment within four years. The proposal declined by the Commonwealth Bank was for a period of 10 years.