The Hon. J. MURRAY: I have learnt a lot about stonewalling to the extreme. Despite what Mr. Watson has said, if this amendment is agreed to the Act cannot be proclaimed until South Australia and Tasmania fall into line. If this information is conveyed to the people in South Australia and Tasmania who desire to kill this uniform legislation, they will be able to achieve their purpose by not proclaiming the Act in their own States.

The Hon. A. F. Griffith: By agreeing to the same amendment as the one before us.

The Hon. J. MURRAY: Where will we get if that is to happen? South Australia and Tasmania would be waiting for this State to proclaim its Act; and we would be waiting for them to proclaim theirs first.

The Hon. F. J. S. WISE: I regret to hear the ill-chosen words of the Minister in regard to pressure groups about which he averred he knew. He said they had some influence in certain directions, and he thought he had evidence of that. I think on reflection he will regret having used those words. I want to make it perfectly clear that no vote of mine on any motion or on any amendment is directed to kill the Bill before us. No motion or any amendment of mine or of my colleague, Mr. Willesee, has been directed to kill it; and that goes for all in my party who sit behind me. We have had matters of much less importance than this and progress has been reported because we have bogged down on whether the word should be "shall" or "may". This is very much more important than that.

I would think that if progress is reported it is conceivable that the result could be very different from what I forecast it is likely to be if the vote is taken now. I suggest we let wiser counsels prevail. At the same time, I realise that after the fight the Minister has put up he is reluctant to report progress, but I suggest we follow that course.

The Hon. A. F. GRIFFITH: I am only reluctant to report progress because I do not think the Committee should pass this particular amendment. Before going on let me make it perfectly clear that if there was any suggestion in the minds of Mr. Loton, Mr. Wise, or anybody else, that my mention of the word "pressure" referred to members of the Legislative Council, that was not so. The pressure I referred to and of which I have had evidence was in the documents presented to us at the last meeting of Attorneys-General. I apologise if I conveyed the wrong impression to the Committee.

We certainly do get pressure, and I only wish the galleries tonight were full of people, just as they were in the past when we were dealing with the Bank Holidays Act, or some other Act. The point made by Mr. Murray is a very valid one. What sort of situation will we find ourselves in if this clause goes into the Act and South Australia has the same sort of clause in its Act?

We have been told tonight that South Australia might organise itself into a position where it is better off because it has not got uniform legislation. If the claims regarding South Australia are correct and that State wrote a clause into its Bill containing these words, "such proclamation to be withheld until a joint proclamation date is agreed upon with the State of Western Australia", where would we be then?

The Hon. H. K. Watson: Agree on a joint date. Nothing would be more simple.

The Hon. A. F. GRIFFITH: I do not want to see this Bill lost; and between now and tomorrow perhaps we can have another look at it. Therefore, I will report progress.

Progress

Progress reported and leave given to sit again, on motion by the Hon. A. F. Griffith (Minister for Justice).

House adjourned at 10.50 p.m.

Legislative Assembly

Wednesday, the 12th September, 1962

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CONTENTS—*continued*

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

QUESTIONS ON NOTICE

DENTISTS ACT

Representations by Dental Mechanics for Amendment

1. Mr. TOMS asked the Minister for Health:

   (1) Have representations been made by the dental mechanics of Western Australia for an amendment to the Dentists Act, similar to that passed in Tasmania in 1957, for the purpose of enabling them to deal direct with the public?

   (2) If the answer is "Yes," has Cabinet discussed the matter and if so, is any action contemplated?

   Mr. ROSS HUTCHINSON replied:

   (1) Yes.

   (2) No.

2. *This question was postponed.*

SALT-AFFECTED LAND

Taxation Allowance on Fencing

3. Mr. GAYFER asked the Treasurer:

   Referring to his approach to the Prime Minister regarding a full taxation allowance on fencing for salt-affected land, and the assurance he received from the Acting Prime Minister that this question would receive full consideration during discussions when framing the Federal Budget for 1962-63, and bearing in mind the particular importance of such an allowance towards assisting the reclamation of salt-affected areas of this State, has he any definite information as to whether such promised consideration has been included in the Budget? If so, would he inform the House of what concessions have been granted?

   Mr. BRAND replied:

   In May of this year I was advised by the Acting Prime Minister that this request for a taxation allowance would receive full consideration during discussions preliminary to the framing of the 1962-63 Budget.

   I will make further inquiries on the likelihood of this allowance being approved. In fact, I have written today making these inquiries.

MR. G. SAPPELLI

Return of Nomination Deposit

4. Mr. JAMIESON asked the Minister representing the Minister for Justice:

   (1) Was the nomination deposit of £25 lodged by G. Sappelli, in respect of his wrongful nomination for Karrinyup Legislative Assembly District, for the General Elections earlier this year, finally returned to Sappelli?

   (2) If so, why?

   Mr. COURT replied:

   (1) No.

   (2) Answered by No. (1).

STATE FUNCTIONS

Invitations to Dinner for King and Queen of Thailand

5. Mr. JAMIESON asked the Premier:

   (1) In what capacity was Mr. W. W. Mitchell, the Government Press Liaison Officer, invited to attend the State dinner tendered to Their Majesties the King and Queen of Thailand?

   (2) Would he supply a list of all invitees to this function?

   (3) How many local authorities were represented at the dinner?

Representation of Local Authorities at Future Functions

   (4) Would he give an assurance that at all future similar functions, fewer Government employees will be invited, so as to permit a wider representation from principals of local governing bodies?

   Mr. BRAND replied:

   I ask that this question be postponed because, in view of the fact that our royal visitors are still within our State, I do not think it would be appropriate to deal with a question of this nature today.

RAILWAY CONCESSIONS

Allowances for Schoolchildren on Holidays

6. Mr. HALL asked the Minister for Railways:

(1) Is there a concessional fare rate for schoolchildren travelling with their parents by W.A.G.R. road buses during school holiday periods?

(2) What is the concessional rate allowed to schoolchildren travelling by train during school holiday periods—first class and second class?

(3) What deduction is allowable to schoolchildren travelling during school vacation by way of sleeper berth—first class and second class?

Mr. COURT replied:

(1) Yes. The concession does not apply, however, in areas where an alternative rail service exists.

(2) First and Second Class—

Over 16 years—one-half adult fare.

Under 16 years—one-third adult fare.

(3) No reduction in the actual sleeping berth charges.

STANDARD GAUGE RAILWAY

Payment for Resumptions at Bellevue

7. Mr. BRADY asked the Minister for Railways:

(1) Have landowners on the proposed route of the standard gauge railway at Bellevue been paid for land being resumed?

(2) If not, will he state—

(a) to whom application for payment must be made;

(b) any other relative information as to when payments may be expected, etc.?

Mr. COURT replied:

(1) As actual land requirements have not yet been determined no payments have been made.

It is expected that it will be possible to effect resumptions in three months' time.

(2) (a) Applications for payment must be made to the Land Resumption Officer, Public Works Department.

(b) Answered by No. (1).

STATE HOUSING COMMISSION

Building Programme at Harvey, Brunswick, and Carey Park

8. Mr. I. W. MANNING asked the Minister representing the Minister for Housing:

What is the Housing Commission's building programme for the remainder of the current financial year in the following towns:—

(a) Harvey;

(b) Brunswick;

(c) Carey Park?

Mr. ROSS HUTCHINSON replied:

(a) 10.

(b) 2—Subject to review of applications.

(c) 66.

PENSIONERS' FARES

Concessions on Railways and M.T.T.

9. Mr. GRAHAM asked the Premier:

What classes of Social Service pensioners enjoy fare concessions on the W.A.G.R. and M.T.T. transport services respectively?

Mr. BRAND replied:

Fare concessions are granted on both the W.A.G.R. and the Metropolitan Transport Trust transport services to social service pensioners in the following categories—

Aged.
Invalid.
Widows.
Wives of invalid pensioners.
Service old-age pensioners.
Service permanently unfit for employment pensioners.
Tuberculosis cases.
Social service inmates of mental institutions.

HIRE PURCHASE

Return of Goods

10. Mr. TONKIN asked the Minister representing the Minister for Justice:

(1) With reference to questions asked by me on the 22nd August concerning possible breaches of the Hire-Purchase Act, 1959, and his reply in which he undertook to have inquiries made if specific instances were supplied, is he now satisfied that the specific instance given indicates that certain standard hire-purchase agreements are being used, the effect of which is to deprive the hirer of the rights granted to him by section 12 (6) of the Hire-Purchase Act and to convert a "voluntary return" into a "repossession"?

(2) What action is it proposed to take in the circumstances which have been shown to exist?

Mr. COURT replied:

(1) and (2) No. Section 12 (6) (b) of the Hire-Purchase Act itself contemplates that the amount to which the owner is entitled on a voluntary return of the goods is the amount (if any) which he would have been entitled to recover if he had repossessed the goods on the date of the termination of the hiring. If, however, the agreement provides for a lesser amount, then, under paragraph (a) of section 12 (6), only the lesser amount is payable. In the specific instance drawn to the attention of the Minister for Justice, the parties had agreed that the amount payable would be the amount referred to in section 12 (6) (b), and, in consequence, there was no deprivation of the rights of the hirer granted by section 12 (6).

CHILDREN'S COURT

Penalties Imposed, Reduced, and Altered

11. Mr. GRAHAM asked the Minister representing the Minister for Child Welfare:

During each of the last three years respectively:—

(1) How many children have had penalties imposed on them by the Children's Court?

(2) In how many of these cases have sentences or other penalties been reduced or modified subsequently, and at whose instigation?

(3) What were the alterations in each case?

(4) How many of those, the subject of question No. (1), have since been again brought before the court?

Mr. CRAIG replied:

(1) The figures are as follows:—

	Probation	Committed to Child Welfare Dept. or Institution	Applications for deprived children	Imprisoned	Other	Traffic	Total
1959–60	593	690	108	47	265	2,849	4,552
1960–61	686	698	124	14	447	2,066	4,035
1961–62	795	643	91	6	486	Not available	2,021 + "traffic"

(2) During the period of three years the children's courts made 355 recommendations concerning the treatment of the children. Of this number 68 recommendations were varied by the Child Welfare Department.

(3) Alterations were:—

Recommendations

To be placed in Riverbank—32.
These were varied as follows:—

Placed in Hillston	25
Released to parents	3
Placed in other institution	1
Placed in Claremont Mental Hospital	1
Returned to Victoria ..	1
Placed in hostel	1
Total	32

Note: Variations had to be made on a number of occasions as the accommodation at Riverbank was overtaxed. This fact was known to the courts.

Recommendations

To be placed in an institution were 27.
These were varied as follows:—

Placed in foster homes	3
Placed in country employment	4
Released to parents	13
Placed in Tudor Lodge (hostel)	3
Placed in city employment	2
Placed in boarding school	2
Total	27

Note: At least 20 of these cases have not been in further trouble.

Other Recommendations: How Dealt With.

To be released to country employment—Placed in Whitby Falls as voluntary boarder.

To return home—Placed in Home of the Good Shepherd.

To be released—Placed in Hillston.

To be placed in Hillston—Placed in Clontarf.

To be placed in Home of the Good Shepherd—Placed in Salvation Army Girls' Home.

To be placed in Mogumber—Placed in Hillston.

To be released to mother—Placed in foster home.

To be placed in institution and not permitted to smoke—2 cases—placed in Hillston. Allowed to smoke in accordance with institution rules.

Note: On three occasions the Minister for Justice rescinded prison sentences of youths on the understanding that the three youths concerned be transferred to Riverbank.

Penalties Reduced.

Hillston—Recommendations as to term were made in 252 cases.

Recommendations as to period were departed from in 37 cases, being decreased in some cases and in others increased—in every case after full investigation and with regard to the welfare of the child.

Youths placed in Riverbank

Recommendations of Period Months	Period Served Months
18	9
12	8
9	6
12	7
12	8
12	5
12	9
14	10
18	11
6	3
(Transferred to Heathcote)	
6	4
17	8
12	8
12	5
9	5
12	6
9	8

Note: Five out of 17 have offended since release and been brought before children's courts or police courts. Four of the five offended after the expiration of the original recommendations.

(4) In the three years concerned a total of 2,496 children have appeared before the courts on more than one occasion.

QUESTIONS WITHOUT NOTICE

PENSIONERS' CHEQUES

Payment of Banking Collection Fee

1. Mr. HALL asked the Premier:

As hardship will be inflicted upon pensioners who are paid by Commonwealth Social Service cheques in respect of the banks passing on to the customers the banking collection fee, will he raise the matter, as it affects pensioners, on a Commonwealth level, and discuss with the retailers and traders the possibility of an easement from charges?

Mr. BRAND replied:

The honourable member was good enough to pass me a copy of his question In reply, I would think that if there is any problem in regard to pensioners' cheques he would get a more direct answer if he contacted the department itself, or the Federal member concerned.

HIRE PURCHASE

Return of Agreement to Deputy Leader of the Opposition

2. Mr. TONKIN asked the Minister representing the Minister for Justice:

Further to his answer to question No. 10 on the notice paper, will he request the Minister for Justice to return the copy of the agreement which I made available to him at his request?

Mr. COURT replied:

I shall certainly do that, Mr. Speaker.

TIMBER WORKERS: DISMISSALS

Request for Ministerial Comment on Press Statement

3. Mr. GRAHAM asked the Minister for Forests:

Has he any comment to make on the statement appearing in this afternoon's Press regarding so many dismissals of timber workers in Nannup and other areas?

Mr. BOVELL replied:

I have not read this afternoon's issue of the *Daily News*, but when I have done so I will give the matter consideration.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

BP REFINERY (KWINANA) LIMITED BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.39 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of the Bill I want to make a brief comment on the question asked by the Leader of the Opposition yesterday. He raised the question of stamp duty, and I expressed the view that it was not relevant in this particular case. I submitted the honourable member's comments, as well as my reply, to the officers of the Crown Law Department to verify the position, and they have advised that the answer I gave yesterday completely covers the position: namely, stamp duty is not involved in this case.

Question put and passed.

Bill read a third time and passed.

WORKERS' COMPENSATION

Amending Legislation: Motion

Debate resumed, from the 5th September, on the following motion by Mr. W. Hegney:—

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

(1) Removal of limit on hospital and medical expenses.

(2) Insurance cover to be provided for workers travelling to and from place of residence and place of employment.

(3) Substantial increases in compensation and other payments referred to in the Act (including schedules).

(4) The provision of more reasonable treatment for incapacitated workers in certain circumstances including those incapacitated through asbestosis and silicosis.

MR. WILD (Dale—Minister for Labour) [4.40 p.m.]: I have perused the remarks made by the member for Mt. Hawthorn; and I did so with considerable interest. As he indicated when he spoke the other evening, in effect what he said was a reiteration of what he had put forward in each of the previous three years. In the main he twitted the Government for not having carried out what—in his view—was an undertaking given by the late Mr. Perkins, and also made by my colleague, the Minister for Transport.

The question of workers' compensation is not an easy one. There are many facets to it. When one examines the relevant Acts which apply in all the States of the Commonwealth it is very difficult to arrive at what could be classed as a correct balance, because the legislation in one State contradicts that of another. In Western Australia in particular—I have no doubt this also applies to the other States—one of the most important points to be borne in mind is the ability of industry to pay. I know members opposite do not like this point being raised.

This State is about to embark on big industrial development. Who knows what the effect of the probable entry of Great Britain into the European Common Market will be on Australia? The result is that producers and manufacturers, particularly in Western Australia, will have to look again at their costs structure.

I am aware of the humanitarian angle to this matter. I suppose every member of this Parliament has been a worker of some kind, whether he worked for himself or for somebody else. Irrespective of whom a person works for, it is his objective to receive adequate compensation if he is injured as a result of accident at work. It is reasonable to assume that he should be paid compensation to enable him to tide over the time when he is injured. Further, if a worker sustains an injury which prevents him from continuing work, or which has brought about his loss of life, compensation should be paid to him or to those he has left behind.

But it is not easy, by a stroke of the pen, to determine the amount for a particular injury, or the amount for the loss of a breadwinner. I can only repeat the remarks which I made at the beginning. This is a most difficult and complex subject. It is not a matter into which any Government can run, higgledy-piggledy.

In the 16 years during which I have been a member of this House I have listened to the remarks of the honourable member who moved this motion, and who also moved similar motions over the years. I listened to him talking with knowledge and judgment on the subject of workers' compensation. I know this subject is his *forte*, and he believes in the principle—as we on this side of the House also believe in it. We believe that industry should pay the greatest amount possible when a person is injured in the course of his work; but there has to be a balance. I do not think we in Western Australia are badly off in this regard, especially when we look back to the provisions which applied in this State over the years as compared with those which applied in the Eastern States.

The member for Mt. Hawthorn said there had been—and I quote his words—inactivity on the part of the Government over the past several years. Some two years ago the late Mr. Perkins gave an

indication to this House that he intended to do something to improve the Workers' Compensation Act. Examining the workers' compensation files and the debates recorded in *Hansard*, it is very obvious that he did a lot of work and carried out much research into the matter. He did bring forward some amendments last year, although not as many as the member for Mt. Hawthorn or some of us wanted. The late Mr. Perkins had a pretty good grip of the situation, and he recognised the fact that industry had to pay the impost, irrespective of what we in this House might determine.

From my perusal of the relevant papers, I believe that last year he honestly and faithfully was endeavouring to make further attempts to improve the legislation, not to bring the provisions into line with those applying in the Eastern States but to bring them more into line with humanitarian views. Unfortunately, that honourable member met a sudden end; and for a short space of time the portfolio was taken over by my colleague, the Minister for Lands. It fell into my lap some four months ago following the re-election of the Government.

I want to say this to the House: I recognise what a complex problem this is. I have read fairly considerably on this matter in the last few weeks, particularly since the honourable member moved the motion before us. It is only by doing so that one discovers how complex is the question of workers' compensation. Of the four points which the member for Mt. Hawthorn made, he has not elaborated on a certain one, and I take it that the aspect of silicosis will be handled by the member for Boulder-Eyre, as without doubt, he is the normal spokesman for the Opposition on that particular subject. That point was not touched on by the member for Mt. Hawthorn.

I draw the attention of the House to two points which he made: One is the increase in medical benefits, and the other is the payment of compensation to the worker who is injured when travelling to and from work. Both those points require a considerable amount of thought, and I can assure the honourable member and the House that it is my intention to do something. It is no good the member for Maylands muttering under his breath.

Mr. Toms: What did I say?

Mr. WILD: Never mind asking me what was said. What the honourable member said was derogatory to what I was putting forward.

Mr. Oldfield: On a point of order, I never said a word. I did not even mutter.

Mr. WILD: I apologise to the member for Maylands. I was referring to the ex-member for Maylands who is now the member for Bayswater.

Mr. Toms: I would like to know from the Minister what I was supposed to have said.

The SPEAKER (Mr. Hearman): What did the Minister say?

Mr. Toms: He said I was casting a remark that was derogatory, but he did not know what it was.

Mr. WILD: I want to assure the member for Bayswater—irrespective of what he may or may not have been saying—and the House that it is my intention to go into this matter very carefully, and those two particular points are going to be reviewed. I can assure the honourable member that whilst I am not going to do anything about the matter this session, one of the earliest Bills to be introduced into this Parliament next session will be the Workers' Compensation Bill, after I have given consideration to lifting in some way the medical expenses which are now allowed, and to the question of the to-and-from-work provision.

We know that the last one I mentioned has been bandied all over the place. We hear of the man who does not go straight home from work, but who calls in at the tiddley house, and has a few. He deviates instead of taking a direct route home. I do not suppose that type of person is different from members in this House. The point is that the matter has received the consideration of other Parliaments in Australia, and I concede the point that with the exception of South Australia, where they have not gone as far, the other States have this concession. I can assure the member for Mt. Hawthorn that it is my intention to look at this question very carefully. I would say there is every possibility that when I introduce a measure during the next session of Parliament some consideration will be given to both points which he raised.

In view of the fact that the honourable member raised the question of how far we were lagging behind, I think it is as well for us to have a look at that point. I propose to quote the compensation payable for death. As members know, these payments are scaled down according to the type of injury sustained. I have two practical examples to give. One is the compensation for death where in Western Australia the maximum amount is £3,386. Only one State in Australia exceeds that amount; namely, New South Wales, where the figure is £4,300. In Victoria, the amount is £2,240; and in Queensland, £3,000. In South Australia, the amount is four years' earnings with a minimum of £1,000 and a maximum of £3,000. The Commonwealth figure is £3,000. So in that regard I do not think that Western Australia is very much out of line with the other States.

Mr. W. Hegney: Did you say how much the Tasmanian figure was?

Mr. WILD: One must turn to the question of the amount a worker receives after disablement. My colleague, the late Mr. Perkins, stated in the House on the 15th November, 1960, that in Western Australia we have a weekly rate of £14 8s.; in South Australia, the rate is £12; in Victoria, £12 16s.; in New South Wales, £14 5s.; and in Queensland and Tasmania, it is 75 per cent. of the existing weekly wage. So on those two counts we are not straggling behind the Eastern States.

I also want to touch on the point raised by the honourable member in regard to the judgment recently given in our courts in connection with a case in common law, where some thousands of pounds—I am not sure what the amount was; I think it was £10,000—were given in the judgment. That is still the right of any man who is injured. He does not necessarily have to accept worker's compensation; he still has the right to go to common law if he thinks there is negligence on the part of his employer.

Mr. H. May: How many can afford it!

Mr. WILD: I would say this to the honourable member: Whilst I have not the exact figure, I was speaking to the chairman of the Workers' Compensation Board this afternoon and I was informed that quite a number of people in Western Australia have over the past two years taken their cases to common law.

Mr. H. May: There would have been thousands more if they could have afforded it.

Mr. WILD: It is known in this State that a man is able to take his case to common law, and there have been quite a few instances recently where a family of three or four dependants have taken their case to common law—a wife, and probably two of the children—and they have obtained a judgment; and then the third child receives worker's compensation. So, due to a flaw in the law—and the member for Mt. Hawthorn knows this one—

Mr. W. Hegney: That is only for negligence.

Mr. WILD: Yes; if an employee can prove or is prepared to endeavour to prove there has been negligence on the part of his employer, then he has the right, as I say, to follow two avenues.

Mr. W. Hegney: But not where there is no negligence.

Mr. WILD: Not where there is no negligence, but where there could be negligence.

Mr. W. Hegney: Apparently there are quite a few of those cases.

Mr. WILD: There are quite a few of those cases, as was advised to me this afternoon by the chairman of the board.

Mr. Hawke: How many claims have succeeded?

Mr. WILD: I cannot tell the Leader of the Opposition how many claims have succeeded; but I was informed this afternoon that there had been quite a number of cases over the last two years, where there had been an opportunity, due to this flaw in the Act, for cases to be heard under common law.

As I said earlier, this is a most complex problem and it is one that is going to engage my attention, with particular reference to the two points I have mentioned; namely, the to-and-from-work provision and the amount of money being paid by way of hospitalisation to a man who is injured in connection with his work.

On the point of silicosis, I await the remarks of the member for Boulder Eyre. It is not possible for me to reply to anything which has not yet been said; and I can only repeat that I am going to oppose this motion because it is the intention of the Government next year—I can assure the honourable member of this—to bring amendments forward early; and I am going to review the two particular points I have already mentioned. I await what the member for Boulder-Eyre has to say with regard to silicosis.

Mr. J. Hegney: What about consideration being given to boilermakers' deafness?

Mr. WILD: I am going to have a look at the whole of the Act.

Mr. J. Hegney: That is an important point.

Mr. WILD: I agree. It is something which could be considered. This matter is something which has been on my plate for only the past three-and-a-half months, and being a complex question it is not an easy one to grapple with. I do not intend to rush in. I repeat that the Government will, early next session, introduce some legislation following a review of the particular points which have been raised. In view of that assurance it is my intention to ask the House to reject the motion.

MR. MOIR (Boulder-Eyre) [4.58 p.m.]: I was rather surprised with the Minister's remark in relation to myself and the industrial disease of silicosis. For him to state that he has nothing to say about the Workers' Compensation Act with regard to that disease rather shocks me, because even though he has been in charge of that particular department for only a little over three months he should be well aware of some of the very great difficulties which have arisen in respect of claims for workers' compensation by workers who are afflicted with silicosis.

The Minister, if he did not seek the knowledge on his own volition, must have had it placed before him by virtue of the fact that questions were asked in this House by myself a few weeks ago which

would have made him realise that everything was not well so far as the Workers' Compensation Act, and the administration of that Act, were concerned with regard to the industrial diseases of silicosis and asbestosis.

Looking back to last year—or we can go further back than that to when the Act in respect of silicosis was amended—when amendments were brought down by the late Mr. Perkins, we find that a very drastic change was instituted in respect of entitlement to workers' compensation payments for industrial diseases, or the industrial diseases of silicosis, asbestosis, and tuberculosis, where these diseases were deemed to be industrial diseases.

We know the Act was amended quite substantially in this regard, and amended in such a manner that the section had an entirely different meaning. That was done in the interests of taking away the time limit with which a worker previously was bound to comply in regard to compensation. Previously he was limited to a three-year period, and we on this side of the House had for many years advocated the lifting of that time limit, and the lifting of the restrictions; because it had been proved beyond doubt that the onset of these diseases went far beyond the period of three years, and in that time a man could have terminated his employment in the occupation which caused the disease. Subsequently, some years after he had left the industry he could become disabled because of these various mining diseases.

When in Government the present Opposition introduced Bills to rectify the position, not once but on several occasions; but although they were passed in this House they were rejected in another place —by members who belong to the parties now occupying the Government benches. Subsequently the present Government decided to introduce a Bill to remove the statutory limitation of three years; but in bringing down its amendment it created a state of chaos. The intention was to rectify an injustice which had existed for many years; but in the process the Government undoubtedly created many further injustices; and, in my opinion, these are well known not only to the Minister concerned and the Premier but also to all the other Ministers in the Government.

However, apparently nothing is to be done this year to rectify these injustices, and we are to go on at least until next year before something is done. The Minister has promised that he will have a look at the various aspects of the Workers' Compensation Act with a view to bringing down an amending Bill. But we have no assurance that he will try to rectify the injustices which have been caused by the amendment introduced two years ago.

It must be remembered that when that Bill was before the House we on this side pointed out its weaknesses; we demonstrated what could happen if these amendments were agreed to, and during the last session of Parliament we introduced amendments to the workers' compensation legislation which, in our opinion, undoubtedly would have removed the anomalies that exist. Had that legislation been passed, many of those injured workers who are now denied justice would have been able to get the compensation to which they are entitled.

When I said that the problems which have been created are well known to all members on the Government side I included the Premier because they were brought to his notice through election propaganda at the recent elections held on the goldfields. It must be understood that when injustices occur to mine workers their union immediately takes up the cudgels on their behalf; and if the union fails to obtain justice for them through the appropriate authorities it makes the circumstances known to its members, and to the public generally, to let them know what is happening.

Previously subsection (1) (a) of section 8 of the Workers' Compensation Act read—

> Where—
>
> (a) a worker is suffering from any of the diseases mentioned in the first column of the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed;

and then it went on to refer to the death of a worker and stated that he would be entitled to certain compensation. Of course, at that time there was a three-year limit, but that section was subsequently amended by this Government two years ago. The Bill then introduced repealed subsection (1)(a) of section 8 and re-enacted it and amended it as follows:—

> (1a) Where a worker is disabled from earning full wages by reason of suffering from, or his death is caused by, silicosis . . .

It does not sound to be a very great alteration of the previous wording; but, in effect it was, because previously where a worker was disabled and prevented from carrying on with his mining occupation, he was entitled to compensation, provided he was within the statutory three-year limit. The amendment moved two years ago had the effect of posing a legal problem inasmuch as a man had to be disabled and prevented from earning wages anywhere at all—not only in his occupation as a miner, but also anywhere else.

As we know, the majority of occupations in and around a mine are fairly strenuous. A man has to be fairly able-bodied in order to carry out mining operations, so much so that every worker, before he is allowed to work on a mine, has to submit himself to a medical test, which includes an X-ray examination. A man must be physically fit in all respects before he is issued with a certificate which enables him to be employed on a mine, or in or about a mine. He has to be in good health. So it can be readily understood that if a man is suffering from a disability which prevents him from working on a mine he still may be able to obtain work of a light nature outside the mining industry, but where the remuneration is greatly reduced.

That was the case previously; but the recent amendment to the Act meant that if a man was in any occupation at all he was not entitled to compensation—the compensation was refused in those cases. As a matter of fact, the State Insurance Office went a lot further than that; and I have here a letter written to a man who had been notified by the Minister for Mines that he had contracted silicosis in the early stages and, in the interests of his health, he should leave the mining industry and seek some other occupation. He did so and applied for workers' compensation on the ground that he had contracted silicosis. After he had made his application the branch manager of the State Insurance Office replied to him in the following terms:—

> I have been instructed to advise that as the medical evidence indicates you are quite capable of undertaking suitable work compatible with your condition—

The word "compatible" is very important. The letter goes on—

> —and it is considered you can earn full wages at such employment you are not entitled to receive any payment under the Workers' Compensation Act. Your claim is accordingly declined.

That letter naturally caused a tremendous amount of concern to men on the goldfields as it appeared to be the attitude that the State Insurance Office would take to these claims. Members will note, too, that this man did not have an occupation. He was not working, but apparently the branch manager of the office felt that he could do work compatible with his condition and accordingly he was not going to be compensated.

The secretary of the union, to whom this correspondence was addressed, wrote to the manager of the State Insurance Office in these terms—

> Your correspondence of 10th April, 1962, advises that a recent claim by the above for compensation for silicosis has been declined on grounds that he may still be able to earn the basic wage.
>
> . . . after receiving advice from the Minister for Mines for the past three years, that further work underground may be detrimental to his future health, decided to accept that advice. Having done so he now finds himself unemployed with no prospects of suitable employment, and he has registered with the Social Services.
>
> He is now 63 years of age, and I have no doubt that further employment on the mines would be out of the question, with a remote chance of getting employment elsewhere.
>
> I feel sure his claim therefore should receive further consideration.

It will be noted that this man was 63 years of age, and each year for three years he had been notified by the Minister for Mines that he had early silicosis and that he should leave the mining industry. Yet when he decided to do so he was refused compensation on the ground that he could perform some other type of work. The State Insurance Office did not say what type of work he could do, or where he would get it; the manager simply said that he could perform work, or undertake work compatible with his condition. I think that is one of the most shocking things I have ever heard of.

Mr. Hawke: Hear, hear!

Mr. MOIR: The letter of rejection of the claim was written on the 10th April, and the union officials were so concerned about the matter that they called a meeting of union members to place the matter before them. The union members were very indignant—and that is a mild word to use—at the treatment meted out; but no doubt little notice would have been taken of that except that at the time there happened to be a Legislative Council election pending in which one of the Government supporters was the sitting member. He was up for re-election for the South Province; and no doubt when he saw the stir that this case had caused, he immediately got in touch with the Leader of his party, the Premier, and also the Minister for Mines, and probably some of the other Ministers too.

Following that, the Minister for Mines made this statement, which appeared in the *Kalgoorlie Miner* of Friday, the 11th May—

> Pamphlets on Compensation Untrue Says Griffith.
>
> Circulating on Goldfields and Attacking Amendments to Act.
>
> Perth, May 10.—Pamphlets circulating on the goldfields attacking amendments made last year to the Workers' Compensation Act were untrue, the Minister for Mines, Mr. Griffith, declared today.

> The Minister said that the pamphlets were allegedly authorised by A.W.U. mining division secretary, Mr. J. A. Havlin.
>
> They claimed that it was almost impossible for miners to obtain industrial disease compensation before reaching an advanced stage of silicosis because early silicotics were deemed capable of earning full wages outside the industry.
>
> Mr. Griffith denied that this was the case.

Yet we have a letter from the State Insurance Office, dated the 10th April, a month previously, in unambiguous language denying this man the right to compensation. I quote from the report—

> He said that the amendment had first been interpreted to mean, "disabled from earning full wages at any occupation" . . . .

We pointed this out to the Government and said that that is what the amendment meant. We on this side sought to amend that section of the Act, and even got it through the Committee stage; but the Government was adamant, and as it wanted to maintain this iniquitous provision it had the clause recommitted, and the amendment was defeated.

Mr. Hawke: The present Minister for Lands did that.

Mr. MOIR: That was done by the present Minister for Lands, to his eternal shame.

Mr. Bovell: I think you are most ungrateful. The Bill I introduced extended a facility you required and asked for.

Mr. MOIR: The Minister for Lands does not know what he is talking about.

Mr. Bovell: I do.

Mr. MOIR: Members will appreciate why I expressed surprise when the Minister for Labour said he wanted to hear what I had to say about silicosis before he made any move. These facts are well known to the Government. If the Government were genuine in its desire and in its approach, one of the first Bills it would have introduced would have been a measure to rectify the position that had arisen.

I will now continue quoting from the article in the *Kalgoorlie Miner* which reported what the Minister for Mines (Mr. Griffith) had to say. It is as follows:—

> In cases where a mine worker left the industry and obtained employment on full wages, compensation was not paid.
>
> However, on April 5th, S.G.I.O. general manager, Mr. E. J. R. Hogg, had discussed the amendment with Crown Law Department officers and decided that the first interpretation was incorrect.

The Crown Law Department never ceases to amaze me. I will say no more than that. The Minister for Mines was reported as having said—

> To qualify for workers' compensation it was necessary only for a mine worker to establish that he had been disabled from earning full wages at his mining occupation.

That is a clear enough statement. To continue—

> The Government's amendments to the Act had been designed to improve the lot of the miner and had removed the previous three-year claim limit.
>
> No matter how much time had elapsed between a miner leaving the industry and making a claim, he was entitled to compensation if it was established that the complaint arose from his occupation as a miner.
>
> Mr. Hogg said today that compensation claims rejected before the April 5 decision had been or were being reviewed.

That statement by a responsible member of the Government certainly made people on the goldfields wonder what was going on. Here on the one hand was the union placing the evidence before the people, that claims that should have been admitted were being rejected; and on the other hand we have the Minister making a clear-cut statement that to qualify for workers' compensation it was necessary only for a mine worker to establish that he had been disabled from earning full wages at his mining occupation. He went on to say as reported in the article—

> No matter how much time had elapsed between a miner leaving the industry and making a claim, he was entitled to compensation if it was established that the complaint arose from his occupation as a miner.

I was very intrigued about this because I had certain dealings on behalf of some of these people; and I found that the statement made by the Minister, and that made by the manager of the State Government Insurance Office were not in accord with fact. I accordingly asked the Minister the following questions on the 7th August, 1962:—

> (1) Is he aware that the Minister for Mines was reported in the *Kalgoorlie Miner* of the 11th May last to have stated that "the State Insurance Office had been wrongly interpreting that section of the Workers' Compensation Act which defines the eligibility of workers affected by silicosis to benefits under the Act and that to qualify under the Act it was necessary only for a mine worker to establist that he had been disabled from earning full wages at his mining occupation"?

(2) Is the State Insurance Office now adopting this policy in regard to claims for this disability?

The Minister replied as follows:—

(1) Yes. However, the Minister's statement referred to miners whose disablement occurred after the coming into operation on the 24th December, 1960, of the 1960 amendment to section 8 of the Workers' Compensation Act which amendment is not retrospective.

(2) The 1960 amendment does not apply to miners whose disablement first occurred prior to the 24th December, 1960. It does apply to miners whose disability first occurs on or after that date and the State Government Insurance Office is accepting claims accordingly.

That reply was obviously dictated by the State Government Insurance Office. It is, however, a flat contradiction of what the Minister for Mines said; and when I asked the question: Is he aware that the Minister for Mines was reported as having said so-and-so in *The Kalgoorlie Miner* the Minister for Labour replied, "Yes."

If what the Minister for Mines was reported as having said was untrue there would have been a denial; but the Minister for Labour went on to try to point out what the Minister for Mines meant. The language there is clear-cut; and it is obvious what the Minister for Mines meant, and the impression he conveyed to the people concerned, who were ex-mine workers. Those people could not understand why they could not get compensation in view of what the Minister for Mines had said; because he holds a responsible position, and as the Minister for Mines he is in close contact with mine workers.

Before I move away from that aspect, I want to say that people who were telling the workers on the mines what the Act really did, and telling them that claims were being rejected, were accused of perpetrating a despicable hoax on the workers of the goldfields; because on Friday, the 11th May, there was an advertisement placed in the same paper in which the statement of the Minister for Mines appeared, which was signed by The Hon. J. M. A. Cunningham, M.L.C., J.P., and which was headed "Let's Get This Matter of Workers' Compensation Straight." It reads as follows:—

> There is reason to suspect that a despicable hoax has been perpetrated on mine workers on the Goldfields, using the plight of silicotic miners to gain a political advantage.
>
> Mine workers are being encouraged to think that the Government introduced a Bill designed to deprive early silicotics of their compensation payments.
>
> This is without foundation and appears to be a deliberate distortion of the facts which are these:
>
> For 30 years the matter of the three year limit during which a claim could be lodged after a miner left the industry remained the same through successive Labor and other Governments, until the Brand-Watts Government introduced a Bill to benefit the workers, and it was supported and passed by all Labor Members.

This is wrong, of course, in its reference to 30 years; because for quite a long time it had been three years. At one time it was one year. To continue—

> Because of some obscurity in the legal interpretation of the words "disabled from earning full wages," a test case was decided upon by the Workers' Compensation Board. On May 1st a decision was made in favour of the worker and the result published in the *Kalgoorlie Miner* on May 2nd. This decision is well known to Union authorities and the A.L.P.
>
> The test case in favour of the worker will be the basis of future borderline cases as in other claims for compensation. Full consideration of all cases, including those rejected prior to the test case, is assured.
>
> I ask you to treat this despicable and clumsy effort to sway your opinion the way it deserves.

That is how this material was used on the goldfields. With reference to the test case that was mentioned I would point out at once that it was no such thing at all. It was not a test case brought to the Workers' Compensation Board to decide anything. It was a case of a worker having taken action against his employer. The case came before the Workers' Compensation Board and the employer did not defend the action, so the worker won his case.

But this did not decide anything. All it meant was that that particular worker was paid the amount he claimed under the Act. It was not a test case at all. But this was used in a political manner on the goldfields during the election; although we find that people who were acquainting the public with what was going on were being branded as perpetrators of a despicable hoax; as men who were not telling the truth, and who were saying these things for a political advantage. We find that the cases quoted were not the only ones; there were others that could have been quoted.

Subsequent to the elections a letter dated the 22nd August was addressed to an ex-Norseman worker, and it reads as follows:—

> Claim MP/2253
>
> I regret that I was unable to reply earlier to your letter of the 12th

August, but your file has only just been returned from my Kalgoorlie Branch Office.

The claim submitted by you for compensation on account of disablement due to the industrial disease of silicosis has been investigated, and it has been established that your date of disablement for the purposes of the Workers' Compensation Act must be regarded as the 30th May, 1960. Your employment from the 12th October, 1953 to the 8th June, 1962, was as Caretaker-Manager of the Norseman Swimming Pool.

In consequence it is not established that the disease is or was due to the nature of any employment within three years previous to the date of your disablement, and thus your claim must fail as the work upon which you were engaged for the last 9 years does not conform with the definition of work in the mining industry under the Mine Workers' Relief Act.

The position is that this man worked for the Norseman Gold Mining Company for many years, and was appointed by that company to look after the Norseman swimming pool. He was paid his wages by the mining company concerned; and he still remained an employee of that company. He never ceased his employment with the company.

Not only that; but the swimming pool is situated on a mining lease owned by his employer. So he was employed on his employer's property; and although he was paid by his employer he was not entitled to workers' compensation, because he ceased working as a mine worker under the provisions of the Mine Workers' Relief Act. I am conversant with the Mine Workers' Relief Act, and I cannot see what that Act has to do with the designation of a worker under the Workers' Compensation Act because the Workers' Compensation Act deals with that aspect fully. But to bolster the case that the man in question should not be paid in full the Mine Workers' Relief Act is quoted. That is the hocus pocus that has been put across.

The man concerned read a statement from the Minister for Mines which said, in effect, that it is all rubbish to say people cannot get their compensation. All that has to be done is for the worker to prove that he has worked on a mine, and that he got his silicosis in a mine, and he will be paid his compensation no matter how long ago that occurred. That is what is going on; and there is an interesting point raised in this letter which says—

> . . . your date of disablement for the purposes of the Workers' Compensation Act must be regarded as the 30th May, 1960.

That is when he was notified that he had early silicosis, seven years after he ceased to work in the mines. It illustrates how silicosis can make itself apparent; but apparently the State Insurance Office is going to regard the date of disablement as being when notification is served on the worker.

I want to know this: Is it going to do that in every case of workers who have continued to work in the mines and who were notified in 1953 or 1954 that they had early silicosis? Is the State Insurance Office going to say that is the date of their disablement and that they will be paid at rates ruling under the Workers' Compensation Act at that time? I must say that the position becomes more confused the further one goes along.

We come to the situation of another worker in the mining industry who was notified by the doctor on Form D1 under the Mine Workers' Relief Act, 1932, regulation 4 (2) as follows:—

> State X-Ray Laboratory at Kalgoorlie
>
> To: K. McLean
> 116 Federal Road
> Boulder
>
> TAKE NOTICE that at your examination on the 4th July, 1962, you were found:—
>
> (b) To be suffering from—
> Early Silicosis
>
> Dated at Kalgoorlie this 24th July, 1962.
>
> J. McNulty
> Mines Medical Officer

Subsequent to that he was served with a notice—I have not a copy—by the Minister for Mines, which said he had early silicosis. This man had left the industry for some two years—he is within the three-year time limit—and this reply was sent to him—

> Claim MP/2278
>
> I have been directed to advise that as the Mines Medical Officer reported that you are not incapacitated by industrial disease your claim for compensation is not approved.

I ask the Minister: Where do we go from here? Here we have a copy of a certificate issued by a doctor who notifies the man that he is suffering from early silicosis; and this certificate is followed by a notification from the Minister for Mines in official form that the man is suffering from early silicosis and that further work in the mines will be detrimental to his health. I have the copy of Form "T" here which reads as follows:—

> TAKE NOTICE that you are reported as having developed silicosis in the early stage, and that further

employment underground at a mine may be detrimental to your future health.

(Sgd.) Minister for Mines.

The men are being told to get out of the mines. This man received the letter from the State Insurance Office as late as the 9th August last; and yet we are told by the Minister for Mines that these claims were rejected previously because of a misinterpretation of the Act, and that as a result of a conference between the State Insurance officers and officers of the Crown Law Department the position was now being rectified and cases were being reviewed so that the people could be paid.

Despite that statement, the Minister for Labour said, in effect, "Yes, he said that all right but he did not mean it—he meant something else. He meant that anybody who contracted silicosis before 1960 could be paid." Yet we have a notification sent out to Mr. McLean on the 9th August last saying that he was suffering from early silicosis but was not incapacitated. I suppose the man was not completely prostrate and could walk about.

The Minister in this House told me that the Minister for Mines said that anybody who contracted the disease before 1960 could be paid; yet here is a case that was reviewed subsequent to the 5th April. I do not want anyone to think I am criticising this decision, but I would point out that a man who had not worked in the mines since 1953 was paid full compensation. I had previously taken up a claim for a man who had asbestosis in bad way—he was in a bad state of health—and he was employed by a relative. When this man became ill and had to have time off from work his wages were not stopped by his relative; and because of that the State Insurance Office refused to pay him any compensation as he had not suffered any monetary loss. This is the letter relative to the case—

Claim No. MP/2183

With reference to your claim for compensation I have been instructed to inform you that as you ceased work in the mining industry in 1953 not on account of inability to continue due to industrial disease which was not evident until many years later, and since leaving the industry you have been and still are, able to earn full wages at your chosen employment, my Head Office is not prepared to accept liability in your case.

The SPEAKER (Mr. Hearman): Order! The honourable member has another five minutes.

Mr. MOIR: When I saw the statement of the Minister for Mines in the paper I wrote to the State Insurance Office on this man's behalf. The letter read as follows:—

As reports in the press indicate that you are now reviewing claims for Industrial Disease disability, which were previously rejected by your Office, would you please advise me if the above case has been subject to the review; and if so, what has been the decision.

The State Insurance Office subsequently wrote and informed me it was going to pay this man his compensation. I was very pleased about that. I think the State Insurance Office granted this claim because the man had been certified as having had the disease after December, 1960, and, of course, was regarded as coming within the meaning of the Act. However, the man at Norseman who was notified just a few months before was regarded as having the disablement at that point of time. This man had only left the mines for a couple of years and he was notified that he could not be paid compensation at all.

Mr. Burt: What percentage of silicosis did that man have?

Mr. MOIR: Percentage does not come into the matter. According to the doctor's certificate this man was suffering from early silicosis, and when he made his claim to the State Insurance Office it was rejected. He did not reach the stage where he would be assessed for a percentage of silicosis. The State Insurance Office advised him as follows:—

I have been directed to advise that as the Mines Medical Officer reports that you are not incapacitated by industrial disease your claim for compensation is not approved.

We have reached the stage where this matter is being used as a political football when one attempts to tell the people of authentic cases that have been refused compensation.

My purpose in bringing this matter before the House is to have it set down; and if somebody on the other side of the House can answer it I will be pleased indeed. I say it is absolutely imperative that this Act be amended. We also have the cases of people who suffer serious injuries which necessitate long hospitalisation and they are confronted with large bills on their discharge.

The Minister, in passing, made the statement that the worker is being paid money to tide him over difficult times. But what is the use of that when he is confronted with large hospital bills before he reaches the stage where he can go back to work—bills which are in excess of the amount laid down under the Workers' Compensation Act?

Mr. Wild: What did you do about that when you were in power?

Mr. MOIR: When we were in power we tried to have the Act amended. In addition, when we came across a case of hardship, the Minister concerned made *ex gratia* payments.

I have here the copy of a letter dated the 9th August, 1962, which I wrote to the State Insurance Office on behalf of a railway worker at Kalgoorlie. This man's entitlement to hospital expenses under the Workers' Compensation Act was exhausted, and he incurred a liability of approximately £100 to the hospital. He is a married man with five children, four of whom are of school age; and portion of the letter reads as follows:—

> He has returned to the employ of the Railway Department at Kalgoorlie and is finding it impossible to meet his debt to the hospital. He was under the impression that hospital fund deductions were being made from his wages by the Department but finds that this was not the case so he has no cover from that source.
>
> Would you kindly give consideration to an *ex gratia* payment of this amount as this is a real case of hardship.

The reply was to the effect that the hospital account was owed to the Government and represented a balance of £31 15s. 3d. in excess of the sum of £250. The letter goes on further to say—

> There may possibly be a further account for a substantial period of hospitalisation. This is a Government Hospital and I feel that if Mr. McDowall explained to the hospital authorities that he has exhausted his full entitlement under the Workers' Compensation Act they will in all probability waive their claim for any amount in excess of £250, particularly in view of his difficult financial position.

The SPEAKER (Mr. Hearman): The honourable member's time has expired.

Extension of Time

Mr. J. HEGNEY: I move—

> That the honourable member's time be extended.

Question (extension of time) put and passed.

The SPEAKER (Mr. Hearman): The honourable member may proceed.

Debate Resumed on Motion

Mr. MOIR: I thank members for this extension of time. I have not taken up with the Minister the case that I have just quoted. I know full well that the request will not be agreed to by the hospital because those institutions also have their financial worries and troubles. However, you will remember, Mr. Speaker, that last year we attempted to bring down an amendment which I considered would have been the answer to this problem, inasmuch as it provided for the Workers' Compensation Board to have the power in these cases to award extra amounts to cover hospital and/or medical treatment; and it could have the advice of a medical man as to whether treatment was really needed.

This is a vexed question. We know full well that when a person receives a serious injury and has to remain for six, eight, or ten months in hospital, he is confronted with phenomenal bills. We know that some people suffer a permanent disability as a result of an accident. I previously quoted the case of a girl who suffered a permanent disability, and all she was entitled to was about £1,200; and she had to pay about £800 or £900 for hospital and medical expenses. As a result, all the compensation she received for the loss of her right hand—a very serious matter for a young girl—was about £300 or £350.

There is the case of a man at Norseman at present who, in a most unfortunate accident, suffered severe head injuries. Fortunately he has recovered to the extent that he has all his mental faculties and is able to get about. But he will never work hard again; and his hospital and medical bills will be tremendous, because he was for some eight months in the Royal Perth Hospital and at Shenton Park.

I think the motion is a timely one, and the Government should give strong consideration to it. Injustice should not prevail anywhere; and although the Minister talks about what is in the Workers' Compensation Acts in the Eastern States, it is easy for anyone to take the best sections out of different Acts and quote them. I could do it, and anyone else could do it. What we must try to do is to rectify the anomalies that are present and remove the matters that are causing injustice. We will not then have people who are discontented and who, indeed, are strongly grieved by the injustices they suffer. I support the motion.

MR. GRAYDEN (South Perth) [5.47 p.m.]: To listen to the honourable member who has just resumed his seat and, more particularly, to the member for Mt. Hawthorn when he moved the motion the other day, one would gather that the members of the Government were not particularly interested in the matter of workers' compensation and had not done a great deal about it.

I think it is pertinent at the outset to remind members that in 1947 a Royal Commission was set up to inquire into this question. At that time Mr. Watts was the Minister responsible in the McLarty-Watts Government and that Government

gave effect to many of the recommendations made by the Royal Commission. Indeed, it set up the Workers' Compensation Board as we know it today. As a result of the action of the McLarty-Watts Government a great deal of benefit has accrued.

When the member for Mt. Hawthorn introduced his motion the other day, he seemed to base his whole speech on one central point: criticism of the Government for its failure to do something tangible, or what he considered tangible, in respect of the Workers' Compensation Act during the four years in which it has been in office. The honourable member, in the course of his remarks, came back repeatedly to that particular theme.

I remind members of some of the things he said, because I would like to contrast them with the action of the Opposition over the same period. The member for Mt. Hawthorn had this to say—

> Allow me to turn now to the notice paper. If members refer to notice papers since the opening day of Parliament this year, and indeed since the opening day of Parliament in 1959, in 1960, and in 1961, they will see a number of amendments to Acts of Parliament printed thereon which—to our minds, anyway—are comparatively innocuous and unimportant, and have no element of urgency about them compared with the necessity to bring about some amendments to the Act which is now under discussion.

Mr. W. Hegney: Did I say that?

Mr. GRAYDEN: Those are the honourable member's words.

Mr. W. Hegney: It must be pretty right.

Mr. GRAYDEN: The member for Mt. Hawthorn continued—

> Many measures have been introduced, and some of them have been entirely impersonal, affecting only a few people. As a matter of fact, up until the present stage the Government has concentrated largely on introducing comparatively small amendments to a number of Acts of Parliament as a result of the activities of the Law Reform Committee. Nobody is complaining about that; nobody would complain about it if they included the Act which affected a large number of workers in Western Australia.

Those statements were made repeatedly throughout the speech by the member for Mt. Hawthorn, and they were all made with the express intention of giving to the members of this House, and anyone else who might happen to read *Hansard*, the impression that this Government was much more interested in introducing legislation which could be described as being a minor kind than it was in introducing legislation to tackle this comprehensive question of workers' compensation.

I remind members that this argument works both ways. If the Government can be legitimately criticised for simply introducing three amendments to the Act—one in each session during the four years in which it has been in office; because the Government is just starting its fourth term, so in each session it has, contrary to what the member for Mt. Hawthorn said, introduced an amendment to the Workers' Compensation Act—as I say if the Government can be criticised for that and for making the statement that it was reviewing the question generally; and if it can be pointed out by members of the Opposition that simply because the Government did not go further than that, then it has let down the workers of this State in respect of this matter, then the same argument can be applied to the Opposition, because we can look at what the Opposition has been doing over the period referred to by the honourable member; and I think it is extremely significant to do so.

After all, the members of the Opposition claim to represent the workers of this State. They make that statement at election times. They claim to represent the industrial section of Western Australia, and one would think that in those circumstances they would be extremely active in matters affecting workers' compensation.

We have heard the criticism directed at the Government by the member for Mt. Hawthorn. Let us see what he has done over the comparable period. The honourable member was the Minister for Labour in the previous Labor Government and would be the next Minister for Labour should there be a change of Government; and is, of course, the chief spokesman for the Labor Party on the question of workers' compensation. What has he done in those four years?

In 1959, on opening day, he asked one question, and he followed it up later, certainly, on the 12th November with another question. That was his contribution in respect of workers' compensation during the 1959 session; that was the contribution of the leading spokesman for the Labor Party on this subject.

Mr. W. Hegney: It was a lot more than the Government's.

Mr. GRAYDEN: Then we come to 1960, and we find that again the member for Mt. Hawthorn asked a question on opening day, but not another one for the remainder of the session; though on the 31st August of the same year he moved a motion in respect of workers' compensation. Again, that was his contribution that year on this particular subject—one question and one motion.

Mr. W. Hegney: The Government's contribution was—

Mr. GRAYDEN: Then we come to the year 1961, when we find that there was no question and no motion. What I have stated, then, is the contribution made on this subject by the leading spokesman for the Labor Party. Over the three years in respect of which it has criticised the Government for failing to take more action in regard to workers' compensation—

Mr. Moir: What do you suggest he should have done? Brought down a Bill, or something.

Mr. J. Hegney: Tell us what the Government did.

Mr. GRAYDEN: What the Government did is contrary to what the member for Mt. Hawthorn suggested. In 1959 it introduced an amendment to the Act, and it was supported by the member for Mt. Hawthorn. The Bill passed through Committee without debate, and there were no amendments. The report was adopted, and it was read a third time on the day that the report was adopted.

Mr. W. Hegney: Have you had a look at the Bill?

Mr. Oldfield: What was in the Bill?

Mr. GRAYDEN: That does not indicate a great deal of concern on the part of the Opposition. Then in 1960 the Government introduced another amendment to the Act; and again, in 1961, it introduced a further amendment. So in each of the three years it was in office, it introduced an amendment to the Act, which is contrary to what the member for Mt. Hawthorn said the other day; and the Government's action, in itself, gave the members of the Opposition a chance to debate this question.

So, as I have said, in the last three years we have had certain amendments; and certainly we had the assurance of the then Minister for Labour (the late Mr. Charles Perkins) that he was reviewing this question because it was a most comprehensive one, and he would introduce legislation. Unfortunately, due to his death, that programme was not continued; but the present Minister has given an unequivocal assurance that the matter is being gone into extensively and that legislation to deal with it will be introduced next session.

The Minister has clearly pointed out that we do not lag too far behind the other States on this question of workers' compensation. To listen to the member for Mt. Hawthorn, one would think we were years behind in regard to workers' compensation; but in the event of death, the amount paid in Western Australia is £3,386, which is higher than what is paid in any other State except New South Wales.

Mr. W. Hegney: And Tasmania.

Mr. GRAYDEN: Possibly that is correct.

Mr. W. Hegney: But the Minister did not say that.

Mr. GRAYDEN: This State pays more than do at least four other States in respect of death. Then, on the question of disablement, we find that Western Australia pays £14 8s. a week, which is higher, I think, than the amount paid in any other State. So on these two aspects of workers' compensation, we are certainly not lagging. Therefore much of the criticism of the member for Mt. Hawthorn is certainly not justified.

A moment ago the honourable member, I think, asked: What else has the Government done? I have indicated what it did in those three years. It repeated the assurances it had given; and I also mentioned earlier that it was the McLarty-Watts Government which made the most extensive alterations to the Workers' Compensation Act that have been made for many years. Indeed, it was as a result of the efforts of the Government, and not those of a Labor Government, that the Workers' Compensation Board was set up.

I have endeavoured, in view of the criticism of the member for Mt. Hawthorn, to point out that if the Government has not done very much over the past three years, or if it has not done as much as it should, then the Opposition has done even less; because it is the task or the function of the Opposition in this House to criticise, to make suggestions; yet when we look back over the record of the Opposition, or the record, in particular, of its leading spokesman on workers' compensation we find that in four years he has asked, I think, three questions, and moved one motion.

Let us contrast that attitude, or the Opposition's interest in workers' compensation, with its interest in other things; because members could quite easily go from here and say to their constituents, "Well, you know what the situation in Parliament is. The Government is introducing all sorts of legislation and we do not get time to ask these questions. We do not get time to deal with these matters as exhaustively as we would like."

As a passing reference, I would like to contrast the interest of the Opposition in workers' compensation with its interest in racing and S.P. betting. I reiterate that this is only a passing reference; but I can say that on that score, the Deputy Leader of the Opposition last year asked a total of 78 questions on racing and S.P. betting.

Mr. Jamieson: What has this to do with the motion?

Mr. GRAYDEN: Fifty-three questions were asked last year on the activities of the Totalisator Agency Board and a further 25 questions were asked on the subjects of racing, trotting, and betting. That

makes a total of 78 questions on the subject of racing generally asked in one year by one member of the Opposition. That is all to his credit, because it shows the enthusiasm displayed by the member for Melville in any subject once it is put before him and he is obsessed with the idea that he is right. That honourable member went out of his way to ask 78 questions last year on the subject of racing, so by that we can gauge the measure of his interest in betting.

In contrasting that effort with the interest shown in workers' compensation, we find that the member for Mt. Hawthorn, in four years, has asked only three questions and put forward one motion. Therefore, in making such a contrast we can discard the criticism that has been levelled by the member for Mt. Hawthorn against the Government concerning workers' compensation. What the Government does in this House is no measure of its activities in respect of workers' compensation. This subject requires meetings with the Workers' Compensation Board, interviews and discussions with labour officials, and all those connected with workers' compensation. The members of the Government do not come into the House and talk about the matter; these representations and discussions take place outside the Chamber.

The only time we hear anything of the Government's activities is when it introduces a Bill to amend the Act, and I repeat that it has introduced legislation to amend this Act during every session it has been in office. The point I am making is that the criticism levelled against the Government by the member for Mt. Hawthorn was not legitimate. Therefore, we cannot legitimately criticise the Opposition members, either, for asking only two questions about workers' compensation, and, in turn, criticise them for asking 78 questions last year alone on S.P. betting and racing. Naturally, the volume of those questions indicates the true interest of the Opposition in this subject.

The fact that 78 questions have been asked indicates that the Opposition is greatly concerned about racing and S.P. betting, and this shows that it will go out of its way to do something about the matter. The fact that only two questions have been asked and one motion put forward on the question of workers' compensation indicates that members of the Opposition are not greatly concerned about this subject.

Mr. Hall: Are you interested in workers' compensation?

Mr. GRAYDEN: I think it is of vital importance, as does every other member on this side of the House, and we are delighted to have the Minister's assurance that this matter will be investigated and amending legislation introduced as soon as possible.

As I have already pointed out, the members of the Opposition are doing a great deal of interjecting; but after all is said and done, they claim to represent the workers of Western Australia, and if three questions and one motion on workers' compensation in a period of four years represent the major effort of the Opposition I am sure it has nothing to be proud of.

I am not going to continue in this strain. I rose to my feet principally to say that I support the motion in principle and I am glad to have the assurance of the Minister that amendments will be introduced in due course. In fact, I support many of the remarks that were made by the member for Mt. Hawthorn, but I take strong exception to the criticism he levelled against the Government concerning the subject I have dealt with. On the assurance given by the Minister, I oppose the motion.

MR. DAVIES (Victoria Park) [6:5 p.m.]: I think I can speak for the majority of members on this side of the House when I say that I am delighted to hear that the member for South Perth supports the motion. It is lucky for us that we have one member on the other side of the House who supports it. I support the motion even though we have had the assurance from the Minister tonight that the subject matter of this motion will be dealt with at the next session of Parliament. This tends to indicate that another motion is to be put aside and action taken similar to that on the motion for the 1871 pensioners which was pushed aside a week ago tonight.

We only wish the Government would deal with these matters as expeditiously as it does with many other subjects, particularly increased water rates and other charges during the four years it has been in office. If the Government intends to review the Workers' Compensation Act I hope it will have a close look at section 11 which deals with permanently incapacitated and partially incapacitated workers. That section reads—

> When permanent partial incapacity of a worker results from personal injury by accident within the meaning of section seven of this Act, the liability of the employer to pay compensation in accordance with the First Schedule, pursuant to section seven or pursuant to section eight of this Act, as the case may be, shall be proportionate to the degree of that incapacity, the ratio of that liability for permanent total incapacity being the same as the ratio of that permanent partial incapacity to the permanent total incapacity.

The ratio of liability for permanent partial incapacity shall amount to £2,400 compensation. I think that sum today has been increased to £2,867.

For some time the meaning of that section was obscure. If members have tried to follow my reading of it they can understand how obscure it can be. There is

considerable difference in the compensation paid to a man who is totally incapacitated and that paid to another who is permanently partially incapacitated. The effect on a worker who has been injured and totally incapacitated is that he would receive up to £2,867 to which he is entitled; but a worker who suffers partial incapacity becomes eligible for only two-thirds of the difference between his pre-injury and post-injury earnings. That is the amount that is paid to him as compensation.

In ordinary circumstances, and according to the provisions of every Statute dealing with workers' compensation that we can find, the weekly payments for partial incapacity would continue as long as the incapacity of the worker and his loss of earnings continued. They would only cease when the over-all limit of the weekly payments had reached £2,867, which is the adjusted amount payable under the Act at present. However, by the provisions of section 11 a further arbitrary limit on what may be drawn by a worker was imposed. I have had some information passed to me by the Trades Union Industrial Council which contains some figures, and I think it would probably be as well if I read them to the House in trying to explain the true position.

If the partial incapacity is permanent—that is, if a worker is partially incapacitated for the remainder of his working life—section 11 becomes applicable to him and the limit of the liability of the employer to pay compensation is worked out on the following formula:—

	Per Week
If the worker's pre-injury earnings	£25
Assume the worker's post-injury earnings	£15
Loss of earnings would be	£10

The rate of weekly payments would then be 66⅔ per cent. of £10 = £6 13s. 4d. per week.

However, when section 7 of the Act is applied to a worker who has permanent partial incapacity his loss of earnings would be the £10 over his pre-injury earnings—that is, £25 per week—which worked out as a percentage would equal 40 per cent of £2,867, which amounts to £1,146 16s., and the weekly payments he would receive would cease when he had received that amount.

To extend the illustration a little further, we can assume that the worker has received, say, £300 in payments for total incapacity. This amount, when added to the payments for partial incapacity, as calculated, would amount to £1,446 16s.; that is, £1,146 16s. plus £300. Therefore, upon receipt of that amount he would cease to receive one penny of compensation. This, then, falls short of the total limit of £2,867 compensation which the Act provides, by the sum of £1,420 4s.

This section has been in the Act, I think, since about 1947, but it is only during the last two or three years that it has been used. Members can realise from the illustration given that a worker is going to be £1,140-odd short of what he should get in view of the fact that for the last years of his earning life his compensation will be assessed on a percentage of his earning capacity. Two cases have been brought to our notice. One was the case of a man named Virgin, who was working on the Great Boulder Gold Mines. He was a highly competent machine miner and, on the information supplied, for the twelve months prior to his injury he was earning £48 16s. 5d. a week. He was doing special work—more than the normal miner would do, being a specialist in his trade—and his average weekly earnings would be £40 during the past few years.

During the course of his work he fell and suffered injuries to the head, shoulder, and leg. He was, of course, totally incapacitated for a period, but although he recovered to the extent that he was able to do some lighter work, the probabilities were that he would never be able to return to machine mining. He eventually found himself a job as a plant attendant earning £23 a week. He had received, by way of weekly payments for total incapacity, the sum of £448 17s. 7d.; and, in respect of partial incapacity, the sum of £1,181 0s. 10d.

When he was able to resume some kind of work, after being considered totally incapacitated, section 11 of the Act was then applied and the following was the position: His pre-injury earnings were £40 per week and his post-injury earnings were £23 per week. Therefore, he was short, by £17 per week, of what he normally would earn, which shortage was a substantial amount. By putting the £17 per week over his pre-injury earnings of £40 per week, a figure of 42½ per cent. is reached, and 42½ per cent. of the total amount payable—that is, £2,867—amounts to £1,218.

Therefore the order had to be that his weekly payments would cease when he had received £1,218; or, alternatively, when £1,218, plus £448—making a total of £1,666—had been reached. This meant that this worker's total compensation payments fell short of the £2,867 by £1,200. The inescapable fact remains that this man, as a result of his accident, had been reduced in his earning ability from £40 a week to £23 a week for the remainder of his working life.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DAVIES: Before the tea suspension I was bringing to the notice of the House the injustice of section 11 of the Workers' Compensation Act which deals with permanent total incapacity and permanent partial incapacity. I pointed out that

under the formula provided under section 11 a person could have his weekly earnings reduced considerably for the rest of his working life, and yet only receive in compensation payments a proportion of the total amount of £2,867 which the Act now provides.

I quoted the case of Virgin v. the Great Boulder Gold Mines, showing that this man was going to lose something like £1,200. I have particulars of another case which I want to quote, to illustrate how this section of the Act works; this is the case of Williams v. Moulton. Moulton, the worker, was previously employed on log haulage and his average earnings at this work were £23 a week. He suffered a severe back injury and was totally incapacitated for a period; and for that period he received a sum of £221 8s. by way of payments for that total incapacity. Like so many others he recovered to a stage where he was fit for light work. Of course, everyone wants to work if he can, and I do not think there is anything more soul-destroying to a person than his inability to work. Even though a person is only fit for light work he will endeavour to find such work.

This man tried several types of work but was unable to manage it. Eventually he got a job with the Railways Department as a chainman on a surveyor's gang. His wages on this work were £16 8s. 3d. per week, and he was paid weekly payments of £5 for partial incapacity. Under the formula I referred to earlier, the percentage of his loss in earnings, as against his previous earning capacity, was 32 per cent. of the £2,867, which equals £917.

So the order which the Workers' Compensation Board had to make was that weekly payments for the partial incapacity had to finish at that period; or alternatively, by adding the sum of £221 that he had already received for his total incapacity and the amount of £917 which he was to get for his partial incapacity, the total payable under the Act would be £1,138, and no more. Thus he was £1,729 short of the total provided, notwithstanding that he, as well as Virgin, to whom I referred, was condemned for the rest of his life to work for greatly reduced wages, compared with the wages he had been used to for a considerable time up to the period of his accident.

I do not know the reason for or the justice of having section 11 in the Act. Although it has been in the Act since 1948 —and it was inserted by the McLarty-Watts Government—it was only in the last couple of years that it applied. The interpretation that has been placed on that section is no doubt correct. The members of the Workers' Compensation Board would agree that the interpretation is correct, but I also think that some of its members would agree that there was a great deal of injustice, since the man would not, in the course of his employment, receive anywhere near as much as he could, or in all justice should, receive under the terms of the Act. This person has to suffer for the rest of his life.

The Minister should pay particular attention to section 11 of the Act if, and when, he considers the legislation. I am sure he would be able to find plenty of instances from the Workers' Compensation Board; the two cases I have quoted are only two out of a great number that have occurred throughout the years. They are very glaring cases, because in one instance the person concerned lost £1,200; and in the other, £1,729. I make a plea to the Minister to have that section of the Act examined because, after all, workers' compensation is compensation for an injury sustained by the worker. I do not think any worker wants to make anything out of workers' compensation; but where his earning capacity is reduced greatly, then it is up to the Government to ensure that he is compensated adequately for an injury which he receives during the course of his employment.

The Minister expressed an opinion that to make any alteration to the workers' compensation legislation at this stage could seriously retard the great leap forward of Western Australia. I think that his comment is quite farcical when we take into account all the additional charges which have been levied on the whole community, including industry, over the last few years. The amount of workers' compensation premiums that could result from amendments to the Act would be negligible, when we consider some of the charges which have been imposed in the past 12 months or so.

The Minister in saying that this matter has to be considered in the light of the capacity of industry to pay does not realise that it is not industry which will pay the cost of the increased benefits. The cost is passed on to the consumer, and it will be the ordinary working man who will pay. I say that the increased payments are fully justified, because it will be any working man who will be paid the increased compensation. The infinitesimal increase in premiums that would result would hardly be noticed. To use the argument that increased payments will retard the establishment of industry in this State, as an excuse for not bringing justice to the section of the Act in question, is unfair.

One other matter to which the Minister said he would give some attention is payment of workers' compensation for injury sustained while travelling to and from work. Here again he seems to have some fears that such payments will also seriously affect industry, and the capacity of industry to pay. I have before me some figures which I would like to have recorded in *Hansard* so that members can become

aware of the effect of workers' compensation premiums in New South Wales over the past few years. In that State this journeying provision has been in operation for many years. Unfortunately the latest statistics I could obtain were for the years up to 1958, and I have the figures for 1955 to 1958.

In 1955 the premiums paid amounted to £13,213,742. These premiums were paid on wages amounting to £800,755,327, and the compensation paid totalled £6,232,031. The amount of compensation paid under the journeying provisions of the Act amounted to £489,226, which is approximately 7.85 per cent. of the total compensation paid.

For the year 1956 the premiums totalled £14,283,640. The wages on which premiums were paid amounted to £880,116,829; the compensation paid was £6,949,396; and the amount of compensation paid under the journeying provision was £520,534.

In 1957 the premiums totalled £15,229,251. The wages paid amounted to £952,047,221. The compensation paid was £7,125,415, and the proportion paid under the journeying provision was £616,009.

For the year 1958 the premiums increased considerably to £17,934,942. The reason for the increase in premiums was that wages had gone up to £1,002,899,925; the compensation paid increased slightly to £7,861,849; while the proportion paid under the journeying provision increased slightly to £628,701.

The interesting feature in these figures is the proportion of compensation paid in respect of the journeying provision, shown as a percentage of the total compensation paid. In 1955 that percentage amounted to 7.85 per cent.; in 1956 it was 7.49 per cent.; in 1957 it was 8.65 per cent.; and in 1958 it was 8 per cent. Of course, all these percentages are approximate.

From these statistics it is also interesting to look at the total compensation that has been paid, as a percentage of the premiums paid. In 1955 the amount paid back in compensation as a percentage of the premiums was 47.16 per cent.; in 1956 it was 48.65 per cent.; in 1957, 46.79 per cent. In 1958 it dropped down—the premiums must have gone up—to 43.84 per cent. There are other figures which we should look at. We can obtain some further information from these figures. I think they are interesting to look at from the point of view of the State which pays compensation for travelling to and from work.

The amount of journeying compensation paid as a percentage of the premiums which were paid in 1955 amounted to 3.7 per cent.; in 1956, to 3.64 per cent.; in 1957, to 4.04 per cent.; and in 1958, to 3.51 per cent. Members will see that the amount of compensation paid, as related to the premiums over the years, averages about 3½ per cent.

The Minister is concerned with costs, and these are the most important figures which arise from the statistics I have just quoted to the House; that is, the amount of compensation paid for journeying payments as a percentage of the total wages bill in the State. In 1955 it amounted to .061 per cent.; in 1956, to .059 per cent.; in 1957, to .065 per cent.; and in 1958, to .063 per cent.

Compared with the wages, the amount of compensation paid under the journeying provisions is practically negligible and clearly reflects that to put this most justified provision into the Act will not have any serious effect upon the wages bill or upon industry as a whole. I do not think any company which might be considering establishing itself in Western Australia would be frightened by those figures. We have to look at the size of New South Wales. The payments which are made there, and their wages bill would be in proportion to those of Western Australia. I think the figures I have quoted are a very clear guide to what the position would likely be if the Government passed this provision in the Workers' Compensation Act.

I repeat that I am very disappointed indeed that no action is being taken during this session of Parliament to bring down some worth-while amendments to the Act. I am afraid we will have to call this Government the procrastinating Government because in connection with two measures which have come before this House—one is the 1871 pensioners Act, and now this one—we have received some promises and nothing else. Surely there is plenty of time to—

Mr. Brand: I said that we would introduce legislation on superannuation this session.

Mr. DAVIES: The Premier said he would?

Mr. Brand: Yes.

Mr. DAVIES: I am sorry I misunderstood the Premier. Having had this assurance from the Premier—

Mr. Brand: It is the second assurance.

Mr. DAVIES: —this second assurance from the Premier, that some action will be taken to amend the 1871 pensioners Act, perhaps we might seek an assurance from the Minister for Labour that he will have his officers investigate the position of workers' compensation. I realise the Minister is a busy man and that he cannot be expected to revise the whole of the Workers' Compensation Act himself; but he has a very competent staff of officers in the Workers' Compensation Board who would be only too pleased to bring some suggested amendments to him for his consideration.

It is just too ridiculous that a Minister should, as the Minister indicated, go through the complete Act himself. No doubt a large amount of work has already been done on this Act and there must be some basis on which to work. I am sure there is plenty of time during this session of Parliament to bring down some legislation which will provide a measure of justice to the workers of Western Australia, particularly with regard to specific provisions I have mentioned.

MR. NORTON (Gascoyne) [7.51 p.m.]: I rise to support this motion because it is certainly one which is worth supporting, as the member for South Perth said at the conclusion of his speech. I was very pleased to hear that he was supporting this motion and I only hope he votes in the same way.

As other speakers have said, the medical provisions and general compensation under the Act today are totally inadequate. As with everything else, costs are rising; and when a person is injured, naturally the costs involved in his medical treatment and hospitalisation have greatly increased. Although the amount payable for hospitalisation was increased two years ago, the payment has not gone up in comparison with hospital costs. The total amount paid to a person who is totally incapacitated is about £2,800. How far would this amount go with a young man early in his working career, who has a young family to bring up and to educate, and a home to furnish? If he is totally incapacitated he immediately becomes an invalid pensioner, and he will not have much opportunity to give his children the education they desire.

It appears to me there should be some provision in the Act which allows such a person to obtain a greater amount of compensation. If we look at the Eastern States Acts we find that we are not quite in line with them, contrary to what the Minister said earlier this evening. Certainly, he quoted one or two items which were probably better than ours; but when we look at how an injured worker is treated in the other States we find he is far better off by a long way than the injured worker in this State.

As I have said, the total amount which an injured worker can obtain if he is totally incapacitated is £2,750. If he loses a leg and an arm he is still allowed only that amount; and if he lost those limbs as a result of two different accidents he would receive more.

I think it is interesting for us to look at some of the amounts which have been paid in respect of workers' compensation in New South Wales. I am using that State because it is the one about which the Minister was speaking earlier tonight.

I have here two cuttings from *The West Australian*, one dated the 27th August, 1960, and the other dated the 30th August, 1960. These cuttings deal with particular cases in New South Wales. The one reported on the 27th August concerns a back injury, and the worker received a sum of £5,500 for that injury. That report reads as follows:—

> A fish cleaner who fell and injured his back in 1955 was awarded £5,500 compensation today.
>
> Judge Rainbow made the award by consent in the Workers' Compensation Commission.

From that we can see that this was not an action in the court; it was done by consent, and for a back injury which did not debar the man from undertaking light work in the future. He received double the total amount paid for total incapacity under our Act.

Another case was dealt with by the Appeals Court. This was in Sydney, and the article reads—

> £15,000 AWARD WILL STAND.
>
> The Full Bench of the Supreme Court today refused to deprive a man of £15,000 damages awarded by a jury for the loss of his right leg and left arm.
>
> The Chief Justice, Dr. Evatt, said pain and suffering had to be considered in these actions. The victim had suffered shockingly.
>
> The jury had granted damages last November to Thomas Nicholas Farley (58), head shunter, of Coledale, against the New South Wales Railways Commissioner, after an accident at his work.
>
> The department appealed on the ground that the damages had been excessive, but the Full Court unanimously dismissed the appeal.
>
> Mr. Justice Herron said he thought that, if anything, the damages were a bit on the low side.
>
> Mr. Justice MacFarlan agreed.

It will be readily seen from that, that the New South Wales Act allows for greater compensation than does our Act. There is nothing in our Act which in any way allows for compensation of that amount. As the Minister said earlier this evening, an injured worker could appeal to a court for higher damages.

As far as I know, the only opportunity he has for appealing is when he can prove negligence on the part of his employer; and how many injured workers would have the money, after a serious injury, to be able to take court proceedings in order to get extra damages, as was suggested by the Minister? I think the Minister is just trying to draw a red herring across the

motion when he makes out that the provisions of the Act allow for extra compensation to be paid if an injured worker decides to appeal to the courts.

I have here details of another interesting award. This one concerns a Western Australian case. It is interesting inasmuch as it relates to a worker who was injured as a result of negligence on the part of another person. The report appeared in *The West Australian* on the 23rd August, 1960. The heading is, "£3,174 Award for Injured Constable", and the report reads as follows:—

> Damages of £3,174 9s. 3d. and costs were awarded by Mr. Justice Virtue in the Supreme Court yesterday to Constable Colin Alexander Chester (33), of Bateman-road, Mt. Pleasant.
>
> Chester's left ankle was fractured when he was hit by a car in Stirling Highway, Claremont, about 1.50 a.m. on January 1st, 1958.
>
> He is now employed in the records section of the C.I.B.
>
> The award was made against the Motor Vehicle Insurance Trust.
>
> Chester was waiting to turn a police motor cycle when he was hit by a car driven by Geoffrey William McMahon, formerly of John Street, Cottesloe, whose present whereabouts are unknown.

The article says further—

> The judge said in a reserved decision that Chester gave evidence that, because of his inability to carry out the normal duties of a policeman, his promotion would be out of the question.
>
> This was so but it was unlikely that the disability would increase to the extent that Chester would have to be boarded out of the police force.
>
> He awarded Chester £850 for other general damages and £324 9s. 3d. special damages.

If this man had lost the bottom part of his leg and his foot, under the Act he would have received a total amount of £1,440; but, because he was injured through the negligence of another person he was awarded £3,174. I cannot see why a person who is injured in the execution of his duty, by the negligence of another person, and one who is injured through an accident at work, should be compensated at a different rate. I think the principle which the judge set out in that case should be applied to the Workers' Compensation Act —and that is, that where a person is seriously injured to such an extent that it affects his work and his future livelihood, the economic loss to such a person should be assessed and compensated for.

The Workers' Compensation Act of Western Australia sets out specific amounts for certain percentages of disability, but it does not allow for any compensation for economic loss which a worker may suffer in the future as a result of his injury. I think that is something which the Minister might have a look at to see if it is possible, within the framework of the Act, to provide some measure of justice where economic loss will be sustained, and so that an amount as assessed can be added to his other compensation payments to give the injured worker a far better deal. It seems to me that the New South Wales Act must have some such provision in it, because such large amounts are made available to injured workers.

Far more recently—in fact it was in August this year—a storeman was hit on the head by a falling girder while he was at work, and because negligence was proved he was awarded £3,250, by consent. That man could just as easily have sustained the same injuries in the course of his work, and if negligence was not proved he would have got little or nothing in comparison to what he was awarded. In fact, if he were totally incapacitated he would get only £2,750 under the Workers' Compensation Act.

It seems to me that our Act is nowhere near in line with other Workers' Compensation Acts, or insurance Acts; and if a person can be awarded damages under one Act, surely the same amounts can be awarded to him under the Workers' Compensation Act! It does not matter how a worker is injured; an injury is still an injury, and it will penalise him no matter where he sustains it.

It was pleasing to hear that the Minister, in the distant future, will be considering the question of hospital and medical expenses. I think the Minister for Health is one who should be looking into this position very closely, because it affects his department to a considerable extent. It would be interesting, if we could have the figures, to see how much is written off in hospital expenses where an injured worker is unable to meet the costs.

The position in regard to hospital expenses is this: Where a person is seriously injured, and has been taken to a private hospital in Perth, those responsible for looking after him watch the hospital and medical expenses very closely to ensure that the allowable amount under the Act is not exceeded. I understand that if the figures are getting anywhere near the limit the injured worker is quickly transferred to a Government hospital where he will have some chance of getting a certain proportion of his hospital and medical expenses written off if he can put up a good story.

I cannot see why it should be the responsibility of the taxpayers, and the doctors, to carry the burden of some of the hospital and medical expenses of an injured worker. After all, the insurance premiums are paid so that a worker is covered for his medical and hospital expenses. That is what workers' compensation is for—to

cover a worker against injury; and as far as can reasonably be done, to see that he does not suffer any loss.

There is another point I would like the Minister to examine very closely, and this is a matter about which I have spoken in this House on many occasions. In fact, I tried to amend the Act when the section concerned was before the House last year or the year before. Although the Minister at the time assured me that the position was adequately covered under the Act and regulations, I still have my doubts as to whether it is fully covered. I refer to the air fares of an injured person who is transferred to Perth from a remote centre.

The position in the north-west is that we have only small hospitals, and in many cases only one doctor to a hospital. In fact, in some areas a doctor visits the hospital only occasionally; and if a worker is seriously injured it is usually necessary for him to be removed to Perth for specialist and other treatment.

Should the person be a stretcher case an escort is required, and it is only natural that the injured worker should be flown to Perth because that is the quickest and most comfortable way to get him to a main hospital. In that event the conveyance of the person from the remote centre to Perth for hospitalisation would require the payment of three fares by air. It is necessary for four seats to be removed in the aircraft to enable a stretcher to be loaded into it.

MacRobertson Miller Airlines have done a great deal to help in this respect; because while four seats have to be removed, and the company actually loses four paying passengers, it charges for only two seats; and with the fare of the escort it means the payment of three fares to Perth with one fare back for the escort, making a total of four.

If the payment of these fares is taken out of the hospital and medical expenses of the injured worker, as has been done in the past, the allowance is greatly reduced, and it is not long before the total allowable expenses are exhausted, particularly if a worker has been injured in the most northern part of the State where a return air fare to Wyndham for an escort, and the stretcher fare from Wyndham to Perth would cost £172 4s.

On top of that, the injured worker has to pay his return fare when he recovers. The lowest fare would be to Carnarvon, and in that event the cost would be £62 8s. The excessive expenses incurred for air fares, if they have to be paid out of the medical and hospital expenses, as I understand they have been, greatly reduce the allowable amount; and, as members know, once the hospital and medical expenses are completely used up, the responsibility for the payment of the balance is on the injured worker. I am certain that that is not the intention of the Act, but because of its limitations it makes the worker responsible.

I know it would be difficult to police the question of hospital, and particularly medical expenses; but I think the position could be overcome by the appointment of a board which could look into a case where the expenses were exceeded. In fact, when big expenses were incurred for hospital and medical treatment, the board could investigate the position to see if those expenses were warranted. I am sure that if a board were to examine the question of hospital and medical expenses there would be very little danger of those expenses being exceeded if the allowable amount were extended or made unlimited. In fact, the Minister told us that last year, or the year before, there were only three cases out of every 1,000 which exceeded the amount of hospital and medical expenses allowed under the Workers' Compensation Act. So, taking it over all, one can see that the extra premium that would have to be paid would be very small.

The figures given to us by the member for Victoria Park indicated that hardly 50 per cent. of the premiums paid are returned by way of compensation to injured workers, so it appears to me that a considerable amount of latitude should be allowed for an extension of the hospital and medical expenses.

I think the question of these expenses is one which should be thoroughly examined when the Act is being amended, and in my view the allowance for those expenses should be extended considerably. Also, provision should be made to allow for the economic loss which an injured worker will incur in the future, and that should be provided for over and above the compensation payments for normal injuries. I have much pleasure in supporting the motion.

MR. FLETCHER (Fremantle) [8.12 p.m.]: I would like briefly to support the motion moved by the member for Mt. Hawthorn. This matter has been before the House each year since I arrived here; yet the member for South Perth implied that we have not been doing our job in relation to workers' compensation, but said that the Government has been doing its job. He made reference to a Bill relating to workers' compensation introduced by the previous Minister for Labour, who is now deceased. It contained one piffling amendment in regard to silicosis.

I will admit that amendment in itself was important, but it was nothing when compared with what the sponsor of the present motion wanted to introduce. Yet a motion was moved congratulating that Minister on the Bill that was introduced. It was just a pale shadow of what we were prepared to offer, but our provisions were defeated by the other side of the House.

So how can the member for South Perth pose as a champion of the wages people? It is bad enough for him to try to hoodwink the wages people of Western Australia; but for him to tell us here he is a champion of the workers is just a lot of nonsense.

Mr. Grayden: You have only to look at *Hansard;* that does it for you.

Mr. FLETCHER: *Hansard* will reveal, as I said earlier—although I do not know if the honourable member was present at the time—that this matter has been before the House each year since I have been here, and our efforts have been defeated with monotonous regularity by the alleged champions of the working people. If members on the other side were the champions, as they pose to be, they would have introduced a measure in almost identical terms to those introduced by previous Labor Governments—

Mr. Grayden: They were motions, not Bills.

Mr. FLETCHER: The Government introduced an amendment to the Act which gave workers only a fraction of what they should be entitled to receive for silicosis. That was introduced in opposition to what we brought forward. As I have said, this matter has been brought forward each year I have been here. I am repeating figures that have already been made available by the member for South Perth. Those figures were very convincing, and completely irrefutable.

Mr. Brady: You mean by the member for Victoria Park.

Mr. FLETCHER: That is so. I meant to refer to the figures submitted by the member for Victoria Park. I do not want to give the member for South Perth credit for something he did not do; even so, I must commend him for saying he would be prepared to support a Bill in the terms of the motion.

The member for Victoria Park mentioned that only about 40 per cent. of the premiums were used for workers' compensation generally. It is little wonder therefore that the remaining 60 per cent., approximately, has been apparently used for the establishment of elaborate insurance buildings in St George's Terrace. In this connection I do not refer to the State Government Insurance Office, because that office was one of the principal pioneers of this secion of workers' compensation. But the difference between 40 per cent. paid out of premiums, and the 100 per cent. is, as I say, used for purposes other than workers' compensation.

Industry could well afford a much more liberal contribution from the remaining 60 per cent. towards workers' compensation in all respects. What we ask for would only take a very small percentage of that 60 per cent. The member for Victoria Park also mentioned that 3½ per cent. of these premiums were used for the purpose of compensating workers injured while going to and from work—that is, in New South Wales and other States where this provision is in force. Yet we have the Minister saying that this is a complex problem. What is complex about it?

Mr. Oldfield: The Minister is complex.

Mr. FLETCHER: Surely it is elementary enough to see that where only 40 per cent. is paid, and where only 3½ per cent. is paid, there is a big disparity between that percentage and 100 per cent. It is elementary that industry can well afford to pay more, as can the various insurance companies that cover workers' compensation cases.

I frequently make reference to the fact here that industry can afford, if necessary, to pay higher premiums. I would suggest, however, that higher premiums are not necessary in view of the figures submitted by the member for Victoria Park, and those I have already mentioned. I am convinced however that industry can well afford to pay these higher premiums, as I have mentioned in the past. I have previously referred to sinking funds, and other funds, used for the purpose of evading the truth in relation to company profits. The financial pages of the newspaper are most revealing. We find that profits are always up. Very seldom do we see a company which finds itself worse off in the current year than it was the previous year.

I would like to refer to an article which appeared in *The West Australian* of the 4th September. It is headed, "Plea For Truth in Accounts." I submit this to show that industry can afford to pay. It reads as follows:—

> Under the new uniform Companies Act, it was possible for a set of accounts to be arithmetically accurate but still not present a "true and fair" view of a company's position.
>
> This statement was made by Mr. F. M. Montgomery and Mr. Wilkinson Cox in a paper given to the Bunbury convention of the W.A. division of the Australian Society of Accountants during the weekend.
>
> Speaking on the provisions of the new Act relating to accounts, they said that companies complying with the legislation could be telling the truth but completely misrepresenting the real situation because they did not tell the whole truth.
>
> COMPULSION
>
> The speakers also pleaded for greater disclosure in published accounts. They said that their appeal was not being made purely for the benefit of shareholders or auditors but for the Companies as a whole.

> If companies failed to disclose more and more vital information voluntarily, they might eventually be compelled to do so.
>
> Australia might end up by having an organisation like the Securities and Exchange Commission in U.S.A. or the Accountants and Auditors Board in South Africa.

I read that extract to offset the nonsense spoken by the Minister when he suggested that Labor amendments would be a deterrent to industry coming here. It is unnecessary to make statements like that. Such statements are only a transparent excuse, and not worthy of consideration.

Although some members on the other side of the House may have some industrial background, I submit they are truly in the minority; and, as a consequence, they are out of touch as to how the average wages man feels in regard to insecurity not only of himself, but of his dependants, as a result of the fear of finishing up in receipt of workers' compensation. Members on that side suggest that this privilege is abused. It is not abused. I was brought up among the industrial people and the wages people, and I know how they feel.

From the figures I have quoted, I have shown that industry and the insurance companies can afford to pay. Not only have I done so, but the member for Victoria Park has also shown this very clearly. Members opposite move in another world; they do not know how the working people feel about this matter. Each clause of this motion is justified.

It was alleged by the Minister that a worker who had used up all his compensation could seek recourse at common law. Somebody on our side said, "If he could afford it." How many wages men can afford legal action? It is a very expensive business. Let us assume they had been in receipt of workers' compensation. It is conceivable that if they endeavoured through common law to obtain justice they could, on some legal technicality, lose the remainder of their workers' compensation in legal costs; and, as a consequence, the only people who would benefit would be the legal profession. The worker would certainly not.

We need something more than the Minister's promises. We need something more concrete. We heard all the excitement about a Workers' Compensation Bill which was to be brought down by the previous Minister, but we found that it was only a damp squib. I hope that any future legislation will prove more effective. The fourth suggested amendment in the motion moved by the member for Mt. Hawthorn reads—

> The provision of more reasonable treatment for incapacitated workers in certain circumstances including those incapacitated through asbestosis and silicosis.

To my mind this does not go quite far enough; because there are other complaints which unfortunately are not covered by workers' compensation. I refer, for example, to heart cases. A very strong argument must be put forward by a worker who has suffered a heart attack before he can receive workers' compensation. Unless there is a coterie of witnesses who are prepared to come forward and say they actually saw the worker have the heart attack, there is very little prospect that he will receive compensation. I hope the Minister will have regard for that aspect when he gives consideration to the introducction of legislation to deal with this matter.

I can cite one case in particular where a fellow employee at the power station at South Fremantle did receive workers' compensation; but this was only as a consequence of there being a witness present who saw that man climbing up a trestle and taking the entire weight on his body and arms. He then fell to the ground with a heart attack and was taken to the Fremantle hospital. Fortunately, I witnessed the episode, and was prepared to give evidence to that effect.

That employee did receive workers' compensation for a coronary occlusion. But had there been no witness present; and had this man been found lying on the ground suffering from a heart attack, it might have been assumed that he had suffered it while walking around; and that he had collapsed while not indulging in exertion; and accordingly he would not receive compensation.

How many heart cases at place of employment do not receive compensation? That is a question that could be considered by the Minister. I submit that such cases are frequent. It is possible that a man who suffered a heart attack could be an active tradesman. If he were not physically capable of continuing in his avocation he would have to find alternative employment. If he found alternative employment and the remuneration in the employment he found was not comparable with that of his employment as a tradesman; and if as a consequence of that injury he received £2 or £3 a week less remuneration for the rest of his working life, should he not be given some consideration and compensated accordingly?

I would ask the Minister to consider this point, and the others I have mentioned. I would ask him to consider them in a truly liberal manner with a view to compensating this type of case. The member for Victoria Park did a splendid job with the figures he quoted. I speak only in a general way on workers' compensation, as

it affects workers in industry. There is a genuine fear among the working people not only for themselves but for their dependants.

MR. BRADY (Swan) [8.28 p.m.]: I would like to support the motion moved by the member for Mt. Hawthorn, because my electorate of Swan is mostly an industrial area containing many industries; and I am confronted with a number of compensation problems. As a matter of fact, only last week I had in hand two such cases, to which I will refer later, and which for some time I have tried to get finalised.

One of these cases concerns a railway fettler who hurt his back over 12 months ago. This man came to my house one day this week; and although he has been kept by his cousin, and has been provided with board and lodging, he is unable to get his compensation case finalised; and accordingly he needs some assistance to carry on.

The other case I have in mind is well known to the Minister for Railways, because I raised the matter with him some time ago. This is the case of an unfortunate New Australian named Jigerow. Jigerow came to Australia about 12 years ago, and worked for about 11 years on the permanent way in the railways, which is one of the hardest and lowest-paid jobs. He subsequently came to the metropolitan area where he worked on the permanent way; and last June after being on compensation for approximately six months, he was told he had to settle for a redemption sum in connection with his compensation.

He received £500, but did no work for over twelve months. In the meantime, the shire council condemned his house; and he has been put in the position of trying to bring it up to the required standard or build a new one. At the same time he has to endeavour to carry on without any payments because he received the sum of £500 which was paid by the railways as compensation for a 20 per cent. disability to the back.

My main argument tonight would be that the Minister for Railways and the Minister for Works, together with the other Ministers who employ men, should adopt a more humane outlook concerning employees than is the case at the moment; and I particularly refer to the case of Mr. Jigerow. This man is an honest worker and he has been out of work for twelve months. About a month ago he obtained a job at Hadfields, a firm which conducts a fairly heavy industry, and he lasted one week. The man has a disability to his back for which he received the magnificent sum of £500—an amount which he cut out in the first twelve months because he had no work.

If there is any humanity at all in the Government it must have a look at these cases. I am dealing only with the railways; and I do not know what applies in regard to the Forests Department, the Public Works Department, or the Main Roads Department. However, yesterday I asked these questions of the Minister for Railways:—

> (1) How many employees of the railways have been dispensed with in the past three financial years, in similar circumstances to that of Paul Jigerow, the new Australian with over ten years employment in the per-way?

The Minister replied, "19". The next question was—

> (2) In what departments of the railways were the dismissed men working?

The Minister replied, "Civil Engineering Branch, 15; Mechanical Branch, 2; and Traffic Branch, 2." Question No. 3 was—

> How many employees during the past three financial years were transferred to light duties on a doctor's certificate recommending light work after an accident?

The answer was, "12". The fourth question was—

> In what departments were the employees engaged?

The Minister replied, "Civil Engineering Branch, 4; Mechanical Branch, 2; and Traffic Branch, 6."

If one analyses those figures he will find that from the Permanent Way section of the Civil Engineering Branch 15 men were put off and only 4 out of the 15 obtained light employment after being so recommended by the doctor. If there is any scandal in Western Australia this is it; and I hope members will keep it in mind. These men who work on the permanent way, which comes under the Civil Engineering Branch, are maintaining the essential services of Western Australia—services essential to the primary producers, people in industry, people in commerce, and manufacturers. They assist all these people to make profits to improve their financial position. Yet the men doing the work are being thrown to the wolves and are experiencing financial misery and distress.

The Minister for Labour need only analyse the figures supplied yesterday by the Minister for Railways. It is not necessary for him to go into the position with the Forests Department, the Main Roads Department, the Public Works Department, the State Shipping Service, or any other section. The figures supplied by the Minister for Railways are sufficient justification for the Minister for Labour to treat this matter urgently in order that there will be some humanitarian outlook

in regard to these unfortunate individuals who, with their families, are carrying the State on their backs.

It is most unfortunate that at times the families suffer a great deal more than the parents. Tonight the member for Gascoyne spoke of the disability of a family as regards education when a man is on a meagre compensation. I remember a few years ago when I was a union secretary handling the superphosphate works, a man was killed on the railway crossing which goes into Cresco works. This man's dependants were unable to obtain compensation because it was said he was killed on a public right-of-way and that he was not on Cresco's premises, although that was the only way he could go into the works.

Twenty years later I saw the distress of that man's family because they were without a breadwinner and father. Yet, who received the benefit of his labour? The shareholders of the Cresco superphosphate works, the primary producers, and the State of Western Australia. If any person should have received compensation it was that man's widow. Because of this case I feel most strongly concerning workers' compensation.

The member for Mt. Hawthorn previously pointed out that the Government introduces legislation concerning all sorts of things that do not matter very much; but when it comes to human beings and a human approach to matters the Government seems to be backward in coming forward. It does not create that goodwill of which we so often hear from the Ministers and the Premier.

I can see a ferment starting. In fact, it has started. The workers in industry are definitely dissatisfied with industrial conditions in Western Australia in regard to wages, basic wage margins, annual leave, and workers' compensation. Therefore, I would be failing in my duty as the member for Swan if I did not draw these matters to the attention of the House in as forcible terms as I can.

The member for South Perth and the Minister tonight told us that two years ago amendments were made to the Workers' Compensation Act. However, I have never seen a more spineless Bill introduced into this House. Let me remind members of what those amendments were. There were 11 amendments made to the Act in 1960 and only two of those made any alteration to the actual compensation a worker could receive. I will go through some of them. One was a machinery clause. One was a matter of adjusting the term of "male basic wage". Another removed the restriction in regard to industrial diseases, and this did provide some advantage for the workers. However, I would remind members that although the Government may claim credit for that, the member for Mt. Hawthorn, when Minister for Labour, introduced that amendment to the Act but it was thrown out in the Legislative Council by the same people whom this Government represents. Yet the Government claims credit for that particular amendment.

The next amendment was to prevent workers from malingering and so obtaining compensation when they were not entitled to it. However, the fact remains that a worker cannot receive compensation unless he is in possession of a doctor's certificate. I do not know whether the Government at the time was trying to create the impression that the doctors were joining forces with the workers in an effort to obtain money under false pretences.

The next dealt with the application in regard to insurance and continuing insurance. The next amendment was for the protection of employees not covered by employers and subcontractors and it laid down who would be responsible if the subcontractor did not have the worker covered. This principle was basically in the Act before.

The next amendment proposed to repeal section 16 of the Act which dealt with adequate funds to cover workers who had not been insured. That section did not have to be removed at all in actual fact, but the Minister claimed it had to be because it was proposed in the next section to give power to set up certain funds to cover these people.

The next amendment gave the board absolute discretion to pay the costs of certain cases that might be taken before the Full Court. I am down to No. 10 now. This amendment was to change the title "Manager, State Government Insurance Office" to "General Manager, State Government Insurance Office." I hope members are listening to this, because we were told this was the Bill which brought about such great improvements to the Workers' Compensation Act. The member for South Perth said it; and I will deal later on with what he had to say.

The next amendment dealt with the amount paid for medical and hospital expenses. The amending Act increased the amount from £100 to £150 and people were under the impression that the Government increased medical payments by £50. However, in actual fact it was only £31 because the amount paid was tied to the basic wage. Therefore, before the amendment was made to the Act the amount paid was £119.

The next amendment raised the amount paid for hospital expenses from £150 to £250. However, the same basic wage legislation applied in this case, so the £150 provided under the Act was really £179. There was not an increase of £100 as might be claimed by the Minister or members of the Government. I know the member for South Perth spoke at length regarding the member for Mt. Hawthorn not doing this

or not doing that; and I would like to say to the House, with your indulgence, Mr. Speaker, that I hope the interest of a member in any particular activity such as industrial arbitration, workers' compensation, the Factories and Shops Act, or any thing else will not be gauged by the number of questions he asks. If the member for South Perth looks at the number of questions he has asked he will find he is doing nothing at all, if that is the basis on which a member is judged.

Mr. Grayden: You read what I said.

Mr. BRADY: The member for South Perth is trying to hold this against the member for Mt. Hawthorn, but the latter member has asked twice the number of questions as the member for South Perth.

Mr. Grayden: Exactly three in four years.

Mr. BRADY: I hope this is not going to be the approach. Tonight the member for South Perth said that we do not know what is being done in Government circles. However, I do not suppose that the member for South Perth knows that two or three members on this side of the House have been doing nothing else all day since 9 o'clock in the morning than inquire into various aspects of compensation. This cannot be found in *Hansard;* but I can say that two members have been in and out of various offices, have interviewed union secretaries, and have been on the telephone for the best part of the day. Therefore, the argument of the member for South Perth is a puny one.

My main reason for speaking tonight is this: For a long time I have felt there are a number of weaknesses in regard to the matter of light duties. Doctors are constantly giving workers who have met with an accident a certificate to say that they are fit to carry out light duties. There must be thousands of workers in Western Australia with those certificates. Without exaggeration, some of those unfortunate people go year in and year out without a job because they cannot get light work. I know of three private industries, in addition to some Government departments, that are concerned in this matter.

What are these men going to do? They become paupers; they become men without hope; and they become a burden on their families. Surely it is the responsibility of the State and the Government to do something for them. Australia is not a poor country; and Western Australia is not going into a depression. We are told by the Premier and his Ministers that we are doing a leap forward all the time. Well, let the workers see some of the benefits of the leap forward by means of the Workers' Compensation Act. Let us do something for the unfortunate thousands of men who have been recommended for light duties but cannot get them.

Let me remind the House that only last evening the Minister for Railways told us that in one section of the railways alone 15 men in the last three years have been dispensed with because they could not get jobs which could be considered light duty jobs. That is one Government department out of about 20. For how long are the workers of Western Australia going to put up with that state of affairs in addition to the other disabilities they suffer?

The Government has more to gain than to lose by a humane approach to this problem and by having some regard for the humanities as well as for the profits of industry and the economic progress of the State.

There is another section of workers in industry, and I refer to them because they are mostly in my electorate. They are boilermakers in the Government railway workshops, the Midland railway workshops, Hadfields, and Tomlinsons, and other works where heavy industry is carried out.

It is hard to realise, but about nine out of every 10 boilermakers are either totally deaf or partially deaf. These people suffer all sorts of social and economic handicaps because of the disability they receive through the boilermaking industry. Yet, whilst the Workers' Compensation Act provides for artificial eyes, false teeth, and several other things, there is no disability payment for deafness in boilermakers.

As some of the other States have, I believe, now tackled this problem and made some payment available for the disability from which boilermakers suffer, the Minister could have a look at this aspect to see whether something can be done; and I hope the Minister will do something about it in the near future.

There is not much else I want to say—at least there is quite a lot, but I will only be delaying the House if I continue. The member for Victoria Park—very effectively in my opinion—covered the question of workers who are reduced from their normal status of employment to a lesser status. Such workers have to carry forever the economic loss which they have sustained, because they have been trying to do a job in industry. I do not think it is reasonable that that state of affairs should continue indefinitely.

If a man normally earns £30 a week in industry, working as a tradesman or because he has special qualifications—as in the case of the man mentioned by the member for Victoria Park who received up to £40 a week in the mining industry—why should he, because he has an accident, have for ever to carry the economic loss if his wages are reduced to £20? I do not think it is fair.

The member for Victoria Park also pointed out that the increase in premiums would be infinitesimal for the average employer, but it would mean an immense uplift for the individual; because where the premiums are spread over many hundreds of thousands of people, the impact on them is a great deal less than the impact on the one man who has to suffer the economic loss of being reduced from £30 or £40 a week to £10 or £15 a week as many have been.

Tonight the member for Boulder-Eyre referred to the difficulties experienced by people who suffer from silicosis; and, in this connection, he tried to get some information from the Mines Department, the various companies, and the State Government Insurance Office. This reminds me of a man who came to my house five or six years ago—unfortunately he is dead now—and who had worked in the mining industry at Kalgoorlie for years. He was not feeling very well and came down to the metropolitan area. He had been working in the workshops for only a few weeks sweeping up the floors when he developed silicosis; but because he had left the mining industry for four or five years he could get no compensation. Yet we find in the board's report to the House that the board has for silicosis victims an amount of approximately £1,250,000 set aside by way of trust. Surely some of that money could be made available for these unfortunate victims of the mining industry, which has done so much for Western Australia.

The men in the mining industry—whether it be lead mining, goldmining, copper mining, the talc industry even, or the asbestos industry—have all done a job to improve the economy of the State, and they deserve better treatment than to be told they have no claim, once they leave the industry; and when we see in the board's report that up to £1,250,000 is held in trust, then I feel, as does the member for Boulder-Eyre, it is time the Government had a look at the position to make it easier for these men to have their claims met.

No doubt at a later period of the present session we will have an oportunity to speak on other aspects of workers' compensation. There is, however, an aspect I would like to mention—and every member, whether on the Government side or the Opposition side, should have regard for this—and it is: This Act should be amended to enable the Workers' Compensation Board as at present constituted to get the whole of the details in regard to workers' compensation activities in private industry as well as in Government industry in order that there may be a permanent and running record of all workers' compensation activities.

I want to read just one paragraph of the report of the Workers' Compensation Board to Parliament for the year ended, June, 1961. The board had this to say—

> The Western Australian Government Industrial Safety Advisory Committee has continued to meet during the year, and I am impressed by the enthusiasm of its members. Regular returns are made and the officers of the various departments in the government instrumentalities are confident that progress is being made in the effort to reduce industrial accidents.

I think we will all agree up to that point that it is very desirable. To continue—

> There is also in existence a State Industrial Safety Committee for the benefit of outside industry.
>
> During the year my Board succeeded in instituting a system of industrial accident reporting from which a comprehensive set of statistics can be obtained. In this connection I would like to acknowledge the cooperation and assistance of the insurers, and of the Commonwealth Statistician, Mr. Little, and his officers.

I do hope the Act will be amended in such a way as to give the board the right to demand all statistics and all information and material relative to workers' compensation in industry, wherever it may be—east, west, north, or south in the State—because that is the only way that we in this House can gauge the position.

Who would have thought the serious position would arise whereby hundreds and perhaps thousands of workers are being drawn out of industry, whether it be private employment or Government employment, and left to fend for themselves the best they can, without adequate compensation? We must stop that; and the only way we can stop it is to get the information in order that we can plug up the holes and make industry and commerce pay a fair premium in order that these people will be covered.

If the board can get all that information, and we as members here can have the information supplied to us in the board's report from year to year, we will be able to see for ourselves what is happening.

I understand the member for Victoria Park said that workers in industry are getting only about 53 per cent. of the premiums that are paid.

Mr. Davies: They are getting 43 per cent.

Mr. BRADY: If that is so, in my opinion it calls for a Select Committee; something should be done about it. If the workers

in industry, who are the sufferers, and their families are receiving only 43 per cent. of the premiums that are paid, then something in the nature of an inquiry is required.

I do not know whether the big insurance buildings that we see around the city are absorbing all that money, but those buildings are only bricks and mortar; they are not human beings. It would appear that human beings are suffering in order that these bricks-and-mortar monuments can be erected. Whilst I have breath in my body and whilst I am the member for Swan, I do not want to see this sort of injustice perpetrated.

I think the average organisation, if it found its costs were excessive, would have an inquiry into them. On the other hand, if the main body of workers in industry receive only 43 per cent. of the collected premiums, I feel they are getting a pretty raw deal indeed.

I am daily coming in contact with unfortunate persons who are suffering disabilities as a result of the Workers' Compensation Act in this State today. I come into daily contact with their families, and I am finding the reaction, because of the loss of the breadwinner, or the husband or father of the family, felt by some families 20 years after an accident.

It is up to us to do something about this matter, and I feel the member for Mt. Hawthorn should be complimented on drawing the attention of the House to the necessity for doing something worth while. After all, as I said earlier, whilst the Government claims to have included some worth-while amendments in 1960, out of 11 amendments there are only two that have anything to do with improving the workers' compensation benefits; and out of those two, one had already been proposed by the Minister for Labour in the Labor Government and the other did not actually give the benefit that it purported to give.

So I feel we should support the amendment; and I hope that even some members on the Government side might have enough of the milk of human kindness in them to be able to see their way clear to come to this side of the House when the division is taken.

Debate adjourned, on motion by Mr. Rowberry.

BILLS (2): RETURNED

1. Law Reform (Statute of Frauds) Bill.
2. Lotteries (Control) Act Amendment Bill.

Bills returned from the Council without amendment.

House adjourned at 9 p.m.

Legislative Council

Thursday, the 13th September, 1962

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

NARROGIN AGRICULTURAL SCHOOL

Cost of Poultry Shed

1. The Hon. G. C. MacKINNON asked the Minister for Mines:

   Would the Minister please advise the cost of erection of the new poultry shed recently constructed at the Narrogin Agricultural School?

The Hon. A. F. GRIFFITH replied:

If the honourable member is referring to all four poultry sheds the cost was approximately