

Legislative Council.

Wednesday, 7th September, 1949.

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

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

Assembly's Further Message.

Message from the Assembly notifying that it had agreed to the Council's further amendment No. 2 to the amendment made by the Assembly and had disagreed to further amendment No. 1 now considered.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

No. 1. In amendment 1 (b):

In proposed new paragraph (c), subparagraph (ii)—

(i) delete the word "to" where it appears secondly in line four and substitute the word "by";

(ii) delete the words "provided such notice was given after the coming into operation of the Increase of Rent (War Restrictions) Act Amendment Act, 1949."

The CHAIRMAN: The Assembly's reasons for disagreeing are—

The amendments will be given a retrospective operation which may have an unjust effect in a number of cases. The amendments are not now consistent or in accordance with the object intended.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This will mean that the real effect of the amendment and the further amendment will simply be to insert paragraph (b) of the Assembly's amendment to the Council's original amendment.

Hon. C. H. SIMPSON: I hope the Committee will support the Chief Secretary. It has been pointed out that our amendments were inconsistent. It will be remembered that the first amendment that we sent to another place was to the effect that the court "may make an order against a protected person nor give leave to enforce an order as the case may be." Another place has altered that to apply to the two sections separately, but with exactly the same effect. We have made an amendment to the provision that states, "The court shall not give leave to enforce an order," but have not dealt with Section 6, which states that an order shall not be made. I feel we should withdraw our opposition for the sake of being consistent.

Hon. H. K. WATSON: I hope the Committee will insist on the amendment. The reasons advanced by Mr. Simpson do not square with the position obtaining in respect of another alteration that was made. When the message came back on the previous occasion Mr. Simpson moved to delete subparagraph (iii). That appears in only one of the proposed new sections and to that extent the Bill is already inconsistent. I think a conference is necessary in order to make the drafting of the Bill consistent. On the point at issue, the reason given by the Assembly for disagreeing to the Council's amendments is a curious one. Another place suggests that the amendments will be given retrospective operation, which may have an unjust effect in a number of cases, whereas the whole object of the amendments is to prohibit retrospective operation of the Act.

Question put and passed; the Council's further amendment to the Assembly's amendment not insisted on.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—WORKERS' COMPENSATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 18th August.

HON. G. BENNETTS (South) [4.50]: I support the Bill and the Minister is to be congratulated on its introduction. We on the Goldfields are concerned about Clause 5

which seeks to amend Section 8 of the principal Act dealing with the amount of compensation to be paid to any worker suffering from an industrial disease. I do not think the amendment goes far enough, but it will clear up what was previously an anomaly, which was that if a man were suffering from an industrial disease, he would only receive certain payments to the extent of his disability resulting from that disease.

At the Commonwealth Health Laboratory at Kalgoorlie we were fortunate in having for a long time the services of Dr. Outhred who is recognised as one of the most outstanding men in occupational diseases in Australia. Many thousands of men passed through his hands at the laboratory and he gained, in consequence, considerable experience under this heading. When the Bill was framed, he could not believe that its amendments were meant to apply to only a certain percentage of compensation cases because his opinion was that the men should receive the full payment of £1,250. I hope that effect will be given to his ideas and that when a start is made under the new legislation full payment will be granted for a 30 per cent. disability.

Under the old Act when a man became dusted he was warned by the Mines Department to quit the industry and he received £750 as full compensation. That was a wise course to adopt because it obviated the necessity for his continuing employment in the mines, which would have aggravated the disease from which he was suffering. We have heard a lot of talk to the effect that the Commonwealth Government should assist the goldmining industry in this State. I think it would be a good scheme if the assistance from the State Government were directed towards improving the ventilation underground and for the establishment of the aluminium therapy treatment on all mines throughout the Goldfields. During a visit to this State Dr. Robinson, who hailed from Canada, stated that tuberculosis and silicosis were caused by poor mine ventilation. I consider that something could be done by the State Government to assist in the installation of aluminium therapy plants for the treatment of dusted miners.

The Chief Secretary: Negotiations have been proceeding for two years and we are still trying to implement the provision of the aluminium therapy treatment. That was

one of the reasons why we invited Dr. Robinson to visit this State. It was for him to advise the Government as to its use.

Hon. G. BENNETTS: That was an excellent idea. After what Dr. Robinson told those in control of the mines, it is up to them to do all they possibly can to prevent the men, in the early stages, from becoming diseased. Such action would obviate the necessity to pay large amounts in compensation. The main factor, of course, is that the treatment will save the men from suffering as the result of their work in the mines.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT (No. 3).

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (East) [4.55]: I have had a look through the contents of the Bill and I thank the Minister for giving me the opportunity. The points I have raised can be dealt with in Committee so I have no objection to supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Amendment of Section 119:

Hon. Sir CHARLES LATHAM: I want the Minister to give me a little information on paragraphs (a) and (b). This is where a presiding officer asks the voter whether he resides in the district in which he claims the right to exercise his vote and he replies in the negative.

Hon. E. M. Heenan: When is that?

Hon. Sir CHARLES LATHAM: When he goes to vote. When he replies in the negative, he is then asked if he has, in the last preceding six months, bona fide lived in that district. It appears as if that is intended to apply where there is a polling place to serve two districts. That may be the objective of this paragraph. Unless that is so,

apparently we are to give the voter an opportunity to vote in any other electorate outside the one in which he resides.

Hon. E. M. Heenan: We are.

Hon. Sir CHARLES LATHAM: If that is so, it is all right. I understand it was only to provide for where there was a common polling place for two electorates. However, I would like the Minister to clear up the point.

The CHIEF SECRETARY: This Bill provides that there can be a polling booth outside the district where a voter is exercising his vote and therefore instead of the presiding officer asking him whether he lives in that electoral district, he must be asked if he lives in the electoral district in which he claims a vote. The next question previously put to him was whether in the last preceding six months he had bona fide lived in the electorate, but the question that will be put to him now is whether he has in the last six months lived in that district.

Hon. Sir. Charles Latham: Does it mean that a person can vote anywhere in the State if he is away from his own district?

The CHIEF SECRETARY: Only where there is a polling booth.

Hon. E. M. Heenan: What concerns me is whether this applies to the Legislative Council elections.

Hon. Sir Charles Latham: No, it only applies to the Assembly elections.

The CHIEF SECRETARY: The question only applies to the Assembly.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BRANDS ACT AMENDMENT (No. 2).

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [5.2] in moving the second reading said: This Bill, although small, is highly desirable. It deals with the registration of brands. There are at present 54,000 brands on the register. Members will appreciate that, although Western Australia is a vast State, this number is altogether excessive.

The existing register was compiled in 1925 and little in the way of revising it has been done since. The proposal now is to commence an entirely new register. Various methods have been considered, but the best is to cancel all existing brands and start afresh in 1950.

Hon. R. M. Forrest: What will become of the brands that have been in existence for 70 years?

The HONORARY MINISTER FOR AGRICULTURE: They can be re-registered. Every publicity will be given and those who so desire can re-register their existing brands in 1950 for the small fee of 1s. The Bill also provides for a new register to be opened every 10 years, when brands will again have to be re-registered. Some of the existing brands belonged to people who are now dead, while other people have gone out of the pastoral and farming industries and no longer require their brands. The proposal will enable people to select suitable brands from those now not in use.

Hon. R. M. Forrest: Does the Bill apply to trademarks?

The HONORARY MINISTER FOR AGRICULTURE: Only to brands. Some brands are good, others bad; some are distinct, others not. When I applied for a brand, I managed to secure one which suited me.

Hon. A. L. Loton: Will you allow the same brands to be used in the various land divisions of the State, as at present?

The HONORARY MINISTER FOR AGRICULTURE: I had not thought of that point, but I suppose the present practice will be continued. I commend the measure to the House and move—

That the Bill be now read a second time.

On motion by Hon. A. L. Loton, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the House at its rising adjourn till Tuesday, the 20th September.

Question put and passed.

House adjourned at 5.6 p.m.