

area to the Manjimup High School. I bring this matter to the notice of the Minister, hoping that he will give it sympathetic consideration.

I now draw the attention of the Minister representing the Minister for Housing to the position at Manjimup. I am informed that this year only five houses are to be provided by the State Housing Commission in Manjimup, although there are 40 applications outstanding at the present time. This is a growing district, as many members will know, having recently had an opportunity to see it from the inside and gauge its potential. Manjimup is bound to grow agriculturally, commercially, and industrially in the foreseeable future—

Mr. W. Hegney: The capital of the South-West!

Mr. ROWBERRY: That could easily be visualised; and I think the allocation of five houses to a centre of such importance is just too miserable.

Mr. Nalder: The same applies to other big towns on the Great Southern.

Mr. ROWBERRY: I am not concerned about other big towns. I repeat that there are 40 applicants for houses in Manjimup, and only five houses have been allocated. That does not seem to be a fair ratio of allocation.

Mr. Bovell: The member for East Perth, as Minister for Housing, said the housing position was solved, before your Government went out of office.

Mr. ROWBERRY: I am not the Minister for Housing, nor the member for East Perth.

Mr. Bovell: That was what he said at election time.

Mr. Brady: It was probably right then. That shows how we have slipped in the last six months.

Mr. ROWBERRY: A great majority of those applications have been lodged within the last six months; and so the Minister will understand that the situation has changed materially since the member for East Perth was Minister for Housing.

Mr. Nalder: It looks as though the Government's decentralisation policy has taken effect.

Mr. ROWBERRY: It could be that the people who have put their names down for houses have great faith in the capabilities of the present Government; and I hope the Government will live up to that faith.

Progress reported.

House adjourned at 10.45 p.m.

Legislative Council

Wednesday, the 30th September, 1959

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

QUESTIONS ON NOTICE

SWIMMING POOLS

Estimates and Cost of Construction

- The Hon. A. R. JONES asked the Minister for Local Government:
 - What were the estimates for the construction of the undermentioned swimming pools:—
 - Goomalling;
 - Perenjori;
 - Quairading;
 - Bruce Rock?
 - What did they actually cost?
 - Were the estimates prepared by the Public Works Department?

The Hon. L. A. LOGAN replied:

- (a) Goomalling £24,139
- (b) Perenjori £24,000
- (c) Quairading £26,600
- (d) Bruce Rock £23,000

- (2) (a) Goomalling ... £22,799 in addition to which voluntary labour was supplied by the local people to the value of £5,854.

(b) Perenjori £31,117
(c) Quairading £30,071
(d) Bruce Rock £26,977

- (3) Supplied by the Public Works Department.

The policy regarding swimming pools has been that:

(a) The Public Works Department designed, estimated and, in the cases enumerated, constructed by day labour the pool structure, together with the supply and installation of the water treatment plant.

(b) Estimates of cost for this portion of the work were supplied to the local authority.

(c) The Public Works Department does not prepare detailed estimates for the pool as a whole, but in the early stage of a proposal did supply a figure based on minimum ablution and amenity facilities. The supply of final cost figures is a matter for the local authorities concerned, and not the Public Works Department. The local authority is responsible for buildings, roads, parking, and general treatment of the whole area.

In regard to one or two of these places, the local authorities themselves have called for tenders for the building of these pools. In the case of Perenjori, the tender was in the region of £3,875. The tender was accepted and the job was completed for that price. It must be remembered that these estimates can only be regarded as "guestimates", because when the local authority applies for plans and specifications it can only be a "guestimate" until such time as the details are considered. They are only rough estimates of what the cost is likely to be.

SUPERPHOSPHATE

Cost in Esperance-Salmon Gums District

2. The Hon. G. BENNETTS asked the Minister for Mines:

- (1) Is he aware that much concern is being expressed in the Esperance-Salmon Gums district by farmers regarding the high cost of superphosphate?
- (2) In view of the expansion of this district, has the Government given any consideration to the installation of super works at Esperance?

- (3) If not, will he have inquiries made to ascertain whether anything can be done to provide this facility?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Present requirements of the district are less than 10,000 tons per annum. It is not likely that serious consideration could be given to the establishment of a super-phosphate works in the area until requirements reached at least five times that figure.

(3) Answered by No. (2).

MOTOR VEHICLE LICENSES

Fees in New South Wales and Western Australia

3. The Hon. A. L. LOTON asked the Minister for Mines:

What are the annual traffic license fees for the same model of the undermentioned motor vehicles in New South Wales and Western Australia—

- (a) Chevrolet sedan;
(b) Chevrolet utility;
(c) Ford sedan;
(d) Ford utility;
(e) Holden sedan;
(f) Holden utility;
(g) Hillman sedan;
(h) Hillman utility;
(i) Volkswagen sedan;
(j) Volkswagen van;
(k) Morris 2-door sedan;
(l) Morris 4-door sedan?

The Hon. A. F. GRIFFITH replied:

	Western Australia.			New South Wales.		
	£	s.	d.	£	s.	d.
(a) Chevrolet V8 sedan	15	16	0	10	10	0
(b) Chevrolet utility ..	30	0	0	16	0	0
(c) Fordomatic Custom-line	14	16	0	10	6	6
(d) Ford Mainline utility	22	10	0	13	15	0
(e) Holden F E sedan	8	12	0	7	0	0
(f) Holden utility	11	0	6	8	10	0
(g) Hillman series 3 sedan	7	4	0	6	10	0
(h) Hillman utility	8	8	0	6	8	0
(i) Volkswagen sedan ..	5	16	0	4	13	6
(j) Volkswagen pick-up van	8	18	6	6	5	0
(k) Morris Minor 2-door sedan	4	16	0	5	0	0
(l) Morris Minor 4-door sedan	5	0	0	5	0	0

The following additional fees are payable in New South Wales:—

	£	s.	d.
Motorcars—registration fee	1	10	0
Motor wagons—registration fee	1	10	0
co-ordination fee ..		10	0

PENSIONERS*Removal of Travel Restrictions*

4. The Hon. G. E. JEFFERY asked the Minister for Mines:

In view of the small advantage accruing to the Government from the recent restrictions placed on pensioners' hours of travel on the M.T.T. and W.A.G.R., will the Government—

- (a) remove the restrictions in their entirety; or
- (b) allow pensioners, upon production of appointment cards requiring their attendance at public hospitals, or other such institutions, to travel within the restricted periods?

The Hon. A. F. GRIFFITH replied:

- (a) No.
- (b) Yes, provided arrangements can be made for a suitable certificate from the hospitals concerned.

BILLS (3)—THIRD READING

1. Interstate Maintenance Recovery.
Passed.
2. Tourist.
Returned to the Assembly with amendments.
3. Noxious Weeds Act Amendment.
Passed.

STATE HOTELS (DISPOSAL) BILL*Second Reading*

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.40] in moving the second reading said: I do not feel it is necessary for me to emphasise the basic reason for the introduction of this Bill. The policy of the Government Parties towards the ownership of hotels by the State is clear-cut, and has been expressed in definite terms for many years.

The Hon. H. C. Strickland: What do you mean by "many years"?

The Hon. G. C. MacKinnon: Let the Minister finish his speech and he will tell you.

The Hon. A. F. GRIFFITH: I think it would be better if I went on with my speech. I have only read four lines.

The PRESIDENT: The Leader of the Opposition will have a chance to reply.

The Hon. A. F. GRIFFITH: I mean that over a period of years we have made clear our attitude in regard to the ownership of State hotels.

The Hon. H. C. Strickland: How many?

The Hon. A. F. GRIFFITH: I will leave that to the honourable member's imagination.

The PRESIDENT: Order!

The Hon. H. C. Strickland: I think the Minister should say.

The PRESIDENT: The honourable member is out of order in his interjection.

The Hon. A. F. GRIFFITH: An undertaking was given by the Party leaders in their policy speeches prior to the last election that, if elected to office, they would take the necessary steps to enable the transfer of the hotels from State ownership. It is apparent that the previous Government had no objection to relinquishing the ownership of State hotels as, on the 26th June, 1958, the then Premier, in a letter to the acting secretary of the W.A. Branch of the Australian Labor Party, stated that his Government was willing to sell State hotels, but only to local committees which would devote all profits to amenities in the districts concerned. In furtherance of this policy, the Wongan Hills State Hotel was sold to the local community at the very reasonable price of £40,000, it having been rebuilt in 1941 at a cost of £26,391.

No other community, as yet, has evinced a desire to purchase any of the other State hotels situated at Bolgart, Bruce Rock, Corrigin, Dwellingup, Gwalia and Kwolyin. In fact, the Bruce Rock and Corrigin communities have rejected the opportunity. Cave House, Yanchep, and the hotel at Medina, are also controlled by the State Hotels Department, but are in a different category from the six hotels I have mentioned. Yanchep is already leased to private enterprise, and negotiations in regard to Cave House are incomplete. The Medina Hotel was established at the request of B.P. (Kwinana) Pty. Ltd. to serve as an amenity until such time as a hotel was built privately. Members will recollect the argument and discussion which took place when the Bill to establish that enterprise was introduced into this Chamber.

The Hon. H. C. Strickland: I do not think there was any argument.

The Hon. A. F. GRIFFITH: This has not yet eventuated, but moves are in train for the establishment of a large community club in the district. The first State hotel was built at Gwalia in 1902-3. This was followed by Dwellingup in, 1911-12, Kwolyin and Bruce Rock in 1913-14, and Bolgart and Corrigin in 1915. I am informed that from 1915 to 1958 the accumulated profit of these seven hotels was just over £250,000, an annual average over 43 years of £5,810. Under the circumstances, this is not an impressive figure; nor is it impressive when we take into consideration the fact that the majority of the hotels have been allowed to fall into a deplorable structural condition and should have had considerable sums spent on them.

Turning now to the Bill, members will note it provides it shall come into operation on a date to be proclaimed; and clause 2 specifies that the reserves shown in the schedule shall be cancelled and the land freed from any trust, condition, limitation, etc., imposed in relation to the purposes for which the reserves were made. All the State hotels are on reserves, and for the purposes of sale, it will be necessary to cancel all the reserve conditions.

Subclause (1) of clause (3) proposes to confer on the Governor the necessary power to sell or lease the hotels and the land on which the hotels are situated. The subclause also states that each of the hotels shall be deemed to be and to have been lawfully carried on as a State hotel for the purposes of the Licensing Act, and as part of a trading concern under and subject to the State Trading Concerns Act.

This provision is to overcome an element of doubt as to whether the power of sale conferred by section 25 of the State Trading Concerns Act applies to State hotels. In 1920, Crown Law opinions suggested that State hotels were authorised only to carry out the then provisions of the Licensing Act regarding local option polls. If these opinions were correct then, with the repeal in 1922 of the local option poll provisions of the Licensing Act, the authority of State hotels to carry on business as licensed victuallers for such purpose ceased. While it is doubtful whether the 1920 opinions are right, it is desirable to remove the doubt so that an intending purchaser may not be faced with the prospect that his license may be tainted with illegality and open to challenge at some future time by another licensee.

Clause 3 goes on to establish the opportunity for local communities to buy the hotels. For a period of nine months after the legislation is proclaimed, sale to a community company only may be made unless, within that nine months, the road board of the district in which a hotel is situated advises that the local community does not wish to take over the hotel. A definition of the term "community company" appears at the top of page 3 of the Bill.

Subclause (2) of clause 3 amplifies the power conferred by subclause (1) to sell or lease the hotels, and includes power to sell or lease all or any of the hotels as a going concern or otherwise; to convey to a purchaser an estate in fee simple in the whole or part of the land that comprised a hotel reserve, subject to such conditions as are necessary to secure the purchase price; to protect the rights of the Crown against a lessee; and to sell or lease any Crown lands or property which form part of or are used in connection with a hotel at the time of the sale or lease of the hotel. This latter provision will enable the Crown to deal with any portion of

the area which was used in connection with a hotel. For instance, a purchaser or lessee may not require the whole of the area.

The Bill seeks to avoid any administrative difficulties and complications that might arise, by authorising the Licensing Court, notwithstanding any provisions of the Licensing Act, to issue during a period of up to six months before a hotel is sold or leased, a publican's general license for that hotel to a person nominated by the Minister. The object of this provision is that when a hotel is to be leased or sold as a going concern the Minister can, up to six months before the execution of the sale or lease, obtain for his nominee a license which would be transferable under the Licensing Act to the nominee of the purchaser or lessee. If the nominee of the Minister was also the nominee of the purchaser or lessee, the license would hold good without the necessity of transfer.

As members are aware, none of the State hotels is at present licensed under the Licensing Act. Any purchaser or lessee will desire to be assured of a publican's general license for the premises. The Bill provides that when a license is issued by the Licensing Court, the court shall not demand the payment into Consolidated Revenue Fund of the premium required by section 47 of the Licensing Act. This premium is payable in cases where a new license would bring the number of licensed premises in the district beyond the number there on the 31st December, 1922.

When a license has been granted and, as required by the Licensing Act, the licensee after 12 months applies for a renewal, the Bill provides that the renewal shall be granted, notwithstanding that the premises may not conform with the constructional, accommodation, and fittings requirements of the Licensing Act. The licensee, however, must undertake to bring the premises up to the required standards within 12 months of being granted the renewal, or within such extended period as the court may allow. Once a license has been granted, the licensee and the hotel come completely within the jurisdiction of the Licensing Court.

The Bill provides that if, for some breach of a term or condition of sale, a hotel shall revert to the control of the Government, it shall again become a State hotel and a trading concern within the meaning of the State Trading Concerns Act.

Clause 6 of the Bill provides that section 26 of the State Trading Concerns Act shall not apply to the sale of any State hotel. This section stipulates that the proceeds of the sale of any asset of a trading concern shall be applied in reduction of its capital and placed to the credit of the Government Property Sales Fund. The Bill proposes that when a hotel is sold, the Treasurer may apply whatever proportion of the proceeds he thinks fit to the reduction of capital and for any other payments he may

consider proper. The balance of the proceeds shall then be paid into the tourist fund to be established under the Tourist Bill.

Where a hotel is leased, the rental proceeds, after allowing for any necessary provisions, shall also be paid into the tourist fund. The Bill enables the making of regulations to facilitate the implementation of the proposals in the Bill.

In conclusion, I would state that my Government is firmly of the opinion that the hotel business is not one in which the Government should intrude. Other States apparently share this point of view, as nowhere else in Australia does a Government manage hotels.

In the last three years, the Kwolyin Hotel showed trading losses of £1,904; £1,298; and £2,768. The other five hotels averaged a trading surplus in 1956-57 of £2,869, in 1957-58 of £4,010, and in 1958-59 of £3,753. The most successful hotel was that at Dwellingup and, apart from Kwolyin, the most unsuccessful was the Bolgart Hotel.

The Hon. G. Bennetts: How do you account for those small profits?

The Hon. A. F. GRIFFITH: I am not endeavouring at this stage to account for them; I am merely relating to members what the situation has been over the period I have mentioned. The figures are unimpressive when it is realised that other expenses have to be met and substantial sums should have been spent on the maintenance of the hotels. I move—

That the Bill be now read a second time.

On motion by the Hon. H. C. Strickland, debate adjourned.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.56] in moving the second reading said: This is a very small and straightforward Bill, the necessity for which has been brought about by the alteration in title of several Commonwealth Acts. Section 10 of the parent Act sets out what land is exempted from assessment for land tax. This includes land held by persons receiving pensions under the Commonwealth Invalid and Old Age Pensions Act, the Widows' Pensions Act, and the Australian Soldiers' Repatriation Act.

In 1947, the Commonwealth, by its Social Services Consolidation Act, repealed both the Invalid and Old Age Pensions Act, and the Widows' Pensions Act; and, in 1954, it amended the title of the Act to the Social Services Act. The Australian Soldiers' Repatriation Act is now the Repatriation Act.

It is correct that section 14 of our Interpretation Act does state that a reference to any Act shall be deemed to refer to any Act substituted for that Act, but the Crown Law Department advises that it is most probable that this concerns State Acts only and not those of the Commonwealth. It is therefore desirable—and it is proposed by this Bill—to alter in the Principal Act the names of the Commonwealth measures I have referred to. I move—

That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise, debate adjourned.

FIRE BRIGADES ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had disagreed to the amendment made by the Council now considered.

In Committee

The Deputy Chairman of Committees (the Hon. G. C. MacKinnon) in the Chair; the Hon. A. F. Griffith (Minister for Mines), in charge of the Bill.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): The Council's amendment is as follows:—

Clause 5—Delete.

The Assembly's reasons for disagreeing to the amendment are—

The deletion of clause 5 of the Bill together with the deletion of paragraph (n) of section 35 of the principal Act by the Bill, prevents the Board from a proper exercise of power for saving life and property at fires.

The Hon. A. F. GRIFFITH: During the Committee stage the Committee agreed to an amendment to clause 5, the effect of which was that a person ordered to do something by the Fire Brigades Board could, if he wished, appeal within 21 days to a court of petty sessions. Members will also recall that Mr. Watson endeavoured to make it so that an appeal could be made to a judge of the Supreme Court. However, there seemed to be fairly general acceptance of the fact that clause 5 would be all right provided there was a right of appeal. Then, suddenly, something went wrong and the whole of clause 5, plus the amendment, was thrown out of the window.

The situation is that we now have a Bill for an Act to amend the Fire Brigades Act, the purpose of which is to protect the property of people, and the public interest, and to give the Fire Brigades Board the power and right to give certain orders in respect to the safety of property. But, because the Committee of the

Legislative Council has deleted clause 5, the Fire Brigades Board will have no power to order anybody who owns property—

The Hon. H. C. Strickland: Would that matter?

The Hon. A. F. GRIFFITH: In my opinion, it would, because if it is our desire that the board should have no right in that regard, we might as well not have any board.

The Hon. H. C. Strickland: Are you now championing boards?

The Hon. A. F. GRIFFITH: It is not a question of championing boards. I could easily be the champion of the honourable member this afternoon. The reason why clause 5 was not acceptable was that the majority of members considered it was too harsh, and that it gave the board too much power. The position is, however, that the board thought it had this power but the court found, in the case I mentioned at the second reading, that the regulation was void for uncertainty, and it is desired to write the power into the principal Act.

The Hon. F. R. H. Lavery: Are you suggesting that we are taking from the board power which it already has?

The Hon. A. F. GRIFFITH: No; the board thought it had that power.

The Hon. L. C. Diver: What is this "void for uncertainty" that you speak about?

The Hon. A. F. GRIFFITH: That was the expression used by the court; in other words, the regulation was uncertain in its application. I appeal to members to write clause 5 back into the Bill and then to permit me to move the amendment which was previously agreed to. Unless that is done the board will have no power. If it is the desire of members to take away the protection which will be afforded to workers and those who occupy buildings, I will be most surprised. I move—

That the amendment be not insisted on.

The Hon. H. K. WATSON: The history which the Minister has just recited will be found on page 89 of the minutes of the Legislative Council. It is true that the Bill seems to have got into an extraordinary position. The parent Act contains power to make regulations for a variety of matters, and paragraph (n) of section 35 states that the Governor may make regulations for prescribing the various apparatus and appliances for saving life and property at fires to be kept and maintained at or in all premises, excluding private dwellings, which term shall not include flats.

The Bill proposes to eliminate that paragraph and provide, by clause 5, a positive declaration by Parliament that the board shall have the power to do the things mentioned in clause 5. I

listened to the suggestion by the Minister, and I think he stated his position fairly and squarely. But it is not at all clear to me that we can now reach the end which the Minister desires to reach, by the method which he proposes, because if we agree to the motion he has moved, a message will simply go back to the Legislative Assembly saying that we do not insist on our amendment; and clause 5, as it originally was in the Bill without the amendment to it, will be reinstated and there will be no right of appeal by any aggrieved person.

The Hon. A. F. Griffith: When you have agreed to the first part I will move to put in the second part.

The Hon. H. K. WATSON: I do not think you have the power.

The Hon. A. F. Griffith: It was in before.

The Hon. H. K. WATSON: Yes, but we have gone through various stages since then.

The Hon. F. J. S. Wise: Surely it is necessary to put the clause back in an amended form!

The Hon. H. K. WATSON: That may be so if the Minister moved in that way. He could move that the Legislative Council did not insist on the deletion of clause 5 subject to the Legislative Assembly agreeing to clause 5 as hereinafter set forth. I think it should all be done in the one motion, because if we carry the one which has been moved by the Minister we stultify ourselves.

The Hon. J. G. HISLOP: I do not want to let anyone run away with the idea that we did not think carefully about this clause, both as it was originally presented and as it was amended. We made no mistake about that; our only mistake was that we did not delete "and (n)" from line 3 of clause 6. Standing Order No. 225 states—

In case where the Assembly—

- (i) Disagrees to amendments made by the Council, or
 - (ii) Agrees to amendments made by the Council with further amendments thereon,
- the Council, may, in case (i):—

- (1) Insist or not insist on its amendments.
- (2) Make further amendments to the Bill consequent on the rejection of its own amendments.

If we insist on our amendment and then move, as a further amendment to clause 6, that the word and letter "and (n)" in line 3 be deleted, we would be carrying out the wishes of the Committee. The Committee felt that the powers proposed in the Bill were far too wide to give to the board; and since we took the action of deleting clause 5 I have had the opportunity of speaking to a number of people who are concerned with this matter. They believe that there is a

tendency on the part of the present board to lay particular emphasis on the commercial aspects of the board's activities. If clause 5 were to be re-inserted, the board would have power to order a particular type of fire extinguisher to be provided in a building, and so on.

The people to whom I have spoken believe that we should insist upon the board laying down the conditions for various buildings; and if the board cannot do that there is something wrong with it. I trust that we will not follow the wish of the Minister because if we do, we will be putting back into the Bill a clause the effect of which will be that an aggrieved person will have to apply to either a judge or a magistrate.

In the case of the Adelphi Hotel the board prescribed something beyond the power it possessed. In the Act there is provision to prescribe certain appliances and apparatus, and if the board wants any extra power, it should be defined.

The Hon. A. F. GRIFFITH: The honourable member referred to the decision of a judge or some such person, but there is no mention of that in the amendment. It only refers to an appeal to a court of petty sessions.

The Hon. J. G. Hislop: The term "judge" was used in the debate.

The Hon. A. F. GRIFFITH: I admit that, but it is not included in the amendment. The amendment states that a person who is aggrieved by a direction of the board may, within 21 days of the receipt by him of the notice, appeal in the manner prescribed against the direction to a court of petty sessions held nearest to the premises referred to in the direction on the grounds that the things directed to be installed, or provided in or upon the premises are not reasonably required by the board or for any purpose referred to in paragraph (b) of subsection (1) of the section under discussion. On hearing the appeal the stipendiary magistrate may confirm, vary or cancel the direction, and effect shall be given to that decision. It says further that the court of petty sessions dealing with the appeal shall consist of a stipendiary magistrate. I am happy that clause 6 in the Bill cannot be altered. The message from the Assembly limits us to clause 5.

The Hon. J. G. Hislop: That is not the position under Standing Order No. 225.

The Hon. A. F. GRIFFITH: In that case I hope members will not interfere with clause 6. If we insist on the amendment and clause 5 is deleted from the Bill, and then some words are deleted from clause 6, the board will be in exactly the same position as it is in now. There was a grave doubt in the minds of the Crown Law officers about the powers of the board, and they suggested that the legislation should be amended by Parliament. In the

case of the Adelphi Hotel, the order made by the board under the regulations could not stand up to test before a court.

The Hon. J. G. Hislop: The court regarded the order as excessive.

The Hon. A. F. GRIFFITH: The honourable member does not know what the court found the position to be.

The Hon. J. G. Hislop: And you have not told us, either.

The Hon. A. F. GRIFFITH: I can tell the honourable member that the finding of the court was that the regulations were uncertain.

The Hon. H. K. Watson: Then they should have been redrafted and made certain.

The Hon. A. F. GRIFFITH: Now we come back to the point I originally discussed. The situation envisaged by Mr. Watson can be brought about by the manner prescribed in the Bill, or by the making of regulations. If it is brought about by regulations, then a hardship may be imposed on the owner of a building in having to comply with an order, without any right of appeal while Parliament is not in session. That was the reason for including the express provision in the Bill.

The Hon. J. G. Hislop: You could give the board this express power by regulation.

The Hon. A. F. GRIFFITH: If the legislation enables the board to make regulations, then they remain in force until they are disallowed. They can only be disallowed by either or both Houses of Parliament. The attempt which we are now making to allow the board to prescribe various apparatus and appliances is much more commendable.

I accept the suggestion made by Mr. Watson. In order to put that into effect I shall have to outline the whole of clause 5 and the amendment agreed to previously, and then declare that we do not insist on the amendment but propose another amendment in addition.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): That is the correct procedure. It could be placed on the notice paper.

The Hon. H. K. WATSON: If it is proposed to do that, the Minister might agree to progress being reported so that members could consider what ought to be done. The suggestion put forward by Dr. Hislop cannot be put into effect, according to Standing Order No. 225. When the Legislative Assembly disagrees with the amendments made by us, we may do any one of five things, but in my opinion we cannot do two of those five things. The five rights are not cumulative; they are mutually exclusive. We can insist on the amendment, we can make further amendments, we can propose new amendments, we can request a conference, or we can order the Bill to be laid aside.

The Hon. A. F. GRIFFITH: I am prepared to agree to progress being reported. I point out that if clause 5 is not retained, the board will not have any right to make an order, other than an order within the authority it now possesses.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): There is a motion before the Chair. I understand it is the wish of the Minister to place on the notice paper an amendment to the amendment. The Minister will have to withdraw the motion before the Chair before that can be done.

The Hon. A. F. GRIFFITH: The motion is that we do not insist upon the amendment. I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

Progress reported.

NURSES REGISTRATION ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to the amendment made by the Council subject to a further amendment now considered.

In Committee

The Deputy Chairman of Committees (the Hon. A. R. Jones) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The DEPUTY CHAIRMAN (the Hon. A. R. Jones): The Council's amendment is as follows:—

Clause 2.

Page 2—Delete all words from and including the word "upon" in line 8 down to and including the word "sixty" in line 12.

The Assembly agrees to the Council's amendment subject to the Council's making a further amendment as follows:—

Delete the words in the Legislative Council's amendment—

"'upon' in line 8."

and insert in lieu the words—

"'in' in line 9."

The HON. L. A. LOGAN: I move—

That the Assembly's amendment be agreed to.

Members will recall that an amendment moved in this Chamber had the effect of taking out the words "upon application in writing signed by him and made on or before the 31st day of December, 1960" from clause 2. The effect of the Assembly's further amendment is to reinsert the words "upon application" into the clause.

In effect the nurses would still have to make application to be registered but the application would not have to be in writing. I am asking the Committee to agree

to the amendment suggested by the Legislative Assembly, because if it does not do so, but insists on the amendment made by the Legislative Council, every mental nurse who has passed an examination since 1903 will automatically be registered, and the board will then have to inform those people accordingly. I can imagine the kind of situation which would be created at the board if such was the case.

The Hon. F. R. H. Lavery: Some of those nurses would be dead, some overseas, and some in the Eastern States.

The Hon. G. Bennetts: A lot of their names will have been changed.

The Hon. L. A. LOGAN: The accepted principle in other States and most parts of the world is that if a person wants to be registered, that person must make application. The effect of this further amendment is that the application does not have to be made in writing.

The Hon. J. G. HISLOP: I would like you, Mr. Deputy Chairman, to read the clause as it will be if the further amendment is agreed to. In my opinion it does not make sense.

The DEPUTY CHAIRMAN (the Hon. A. R. Jones): It will read as follows:—

- (a) Every mental nurse who holds a certificate for mental nursing issued to him under the regulations made under the Lunacy Act, 1903-1954, shall be deemed to be qualified under this Act as a mental nurse, and upon application shall be registered as such under the provisions of this section;

The Hon. A. L. LOTON: When I look at the amendment made by the Legislative Council, I find that the words "upon application in writing signed by him and made on or before the thirty-first day of December, one thousand nine hundred and sixty" have been deleted. However, the Legislative Assembly desires to have the word "upon" deleted. According to the amendment made by the Legislative Council, that word has already been deleted from the Bill. I would like some explanation.

The Hon. L. A. LOGAN: The Legislative Council sent an amendment to the Legislative Assembly requesting that certain words be deleted from clause 2. The Legislative Assembly has returned the amendment, further amended. The effect of that further amendment is to reinsert the words "upon application."

The Hon. J. G. Hislop: How do you work that out?

The DEPUTY CHAIRMAN (the Hon. A. R. Jones): The Legislative Council's amendment was to delete all words from and including the word "upon" in line 8 to the word "sixty" in line 12. The Legislative Assembly desires to amend the

Legislative Council's amendment by deleting the words "upon" in line 8" and inserting in lieu the words "in" in line 9." However, I agree that, as worded, the Legislative Assembly's amendment is not very clear. The Minister and the clerks have explained the position as I have outlined it.

The Hon. J. G. HISLOP: It still doesn't make sense. I can see what the Legislative Assembly desires. It wants to take out the words concerning December, 1960; but the Legislative Council has already deleted all the words from "upon" in line 8 to the word "sixty" in line 12.

The Hon. L. A. Logan: The Legislative Assembly's amendment reinserts the words "upon application."

The Hon. J. G. HISLOP: No, it doesn't; only the word "upon." There is no mention of "application."

The Hon. L. A. Logan: You start from the word "in" instead of from the word "upon."

The Hon. J. G. HISLOP: All that is being inserted is "in" in line 9."

The Hon. L. A. Logan: Which, in effect, reinserts "upon application."

The Hon. J. G. HISLOP: No. All that is mentioned is the deletion of the word "upon" and the insertion of the word "in"—nothing whatever about "application." It will be necessary to reinsert the words "upon application" or it will not make sense.

The Hon. R. C. MATTISKE: The situation is perfectly clear. The Legislative Council's original amendment was to delete all the words from "upon" in line 8 to the word "sixty" in line 12. The Legislative Assembly's amendment proposes to alter the Legislative Council's amendment to read "Delete all the words from 'in' in line 9 to the word 'sixty' in line 12" which would automatically restore the words "upon application" to the Bill.

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

Ayes—16.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray

(Teller.)

Noes—9.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. R. Thompson
Hon. J. G. Hislop	Hon. P. J. S. Wise
Hon. F. E. H. Lavery	Hon. W. R. Hall
Hon. A. L. Loton	

(Teller.)

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. J. J. Garrigan

Majority for—7.

Question thus passed; the Assembly's amendment to the Council's amendment agreed to.

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

LAND AGENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [5.45]: It seems that no other member wishes to contribute to the debate; and I am not surprised at the general support being given to a Bill of this nature. The need for it was brought about by the recent actions of a certain land agent whose trust account was found by the Land Agents' Supervisory Committee to be in a most irregular condition.

Several members suggested there were other ways in which the principal Act could be improved. Mr. Jeffery proposed that the bond entered into by land agents might be on a sliding scale, based on an agent's turnover for the previous year. Mr. Mattiske informed the House that he understood members of the Real Estate Institute would welcome a tightening of registration conditions for land agents. Mr. Teahan and Mr. Diver suggested a monetary pool for land agents; the pool to be responsible for any defalcations by its members. I have forwarded these proposals to the Attorney-General, who is the Minister controlling the principal Act. The Attorney-General has informed me that consideration is being given to a comprehensive overhaul of the principal Act, and that the suggestions made by members during this debate will be most thoroughly considered.

Mr. Watson stated that a person whose money had not been affected by any defalcation from a trust fund, and whose money could be identified, should be entitled to receive the whole of that money, and not just a *pro rata* payment in company with those persons whose money had been wholly or partially stolen. Mr. Watson asked me to make inquiries in this connection. I brought this to the notice of the Crown Solicitor, who is chairman of the Land Agents' Supervisory Committee. He advises that this was not overlooked when the Bill was drafted; and that it is provided for in the Bill, in paragraph (b) on page 6. If members examine that clause they will see that the provision already exists. That paragraph empowers the judge, to whom the Treasurer has applied for approval for the distribution of moneys paid into the Treasury, to direct to whom and in what amounts such money shall be paid. The judge could, therefore, direct that any person should receive the whole of the money that had been paid into the land

agent's trust fund on his behalf. The Chief Parliamentary Draftsman and the Attorney-General agree with this opinion, as did Mr. Heenan in his speech yesterday.

Mr. Diver also expressed the opinion that a more stringent penalty should be specified in proposed section 14I, as he was of the opinion that the offence to which this penalty applied would be committed by a land agent. I think he misread that provision, as the penalty is for lack of compliance, by a bank officer, with a court order to freeze a land agent's account. This does not pertain to the land agent, but to the bank, to which the order to freeze had been made. Mr. Heenan suggested that debt collecting firms should be brought under the control of legislation similar to the parent Act; and I have forwarded his suggestion to the Attorney-General.

I think that covers the points that have been raised by members. There was no objection to the Bill during the debate, and so I commend the measure to the House.

Question put and passed.

Bill read a second time.

In Committee

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

JURIES ACT AMENDMENT BILL

First Reading.

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 22nd September.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [5.54]: I wish to reply first to the comments made by Mr. Davies who said, when speaking to the debate, that he saw no reason why there should be another country consumers' representative on the commission. He said he thought that all sections of the community were already sufficiently represented. He said, further, that I had stated that the new member of the commission would represent the South-West of the State; but that is exactly contrary—

The Hon. H. C. Strickland: I do not think he said "the South-West of the State."

The Hon. A. F. GRIFFITH: I thank the honourable member for his interjection. If that was what Mr. Davies said, just the reverse was the case.

The Hon. H. C. Strickland: I said that I did not think Mr. Davies said "the South-West of the State."

The Hon. A. F. GRIFFITH: I understood him to do so, but that was not what I said at the time. My explanation, which appears at page 1673 of *Hansard*, was that when the present country consumers' representative was elected to the commission, the power lines of the commission were serving only the area of the South-West of the State; and we might have been at cross-purposes in that regard. I then said that those power lines were now extending so far into other areas distant from the South-West—areas such as the Great Southern, along the Eastern Goldfields railway, and into other districts—that it was desired to have this additional representation on the commission.

The extension of the service into these other areas was the reason why the Road Board Association considered that a further representative should be appointed. I also took pains to point out that, if the Bill is agreed to, the two country representatives will each represent all country areas, and not each a specific country area.

I do not know where the new representative will come from, or who he will be; but the two representatives will represent the whole of the country areas. The metropolitan area already has heavy representation on the commission, there being one metropolitan consumers' representative; a representative of the commercial consumers, who probably resides in the metropolitan area; a representative of the employees, who I suppose would also be a metropolitan resident; the Under Treasurer; and three engineers, all of whom I imagine would live in the metropolitan area.

Mr. Davies said that all sections of the community were already sufficiently represented, but I think the commission would be better balanced with this further representation of the country districts. The activities of the State Electricity Commission have grown extensively over a relatively short period of years, and it is safe to say that they will continue to expand as the State progresses. I am sure that members who live in country districts will consider that a certainty.

The Hon. H. C. Strickland: I hope it will not be like the position regarding water.

The Hon. A. F. GRIFFITH: We can control the electricity and send it along the lines provided, but it is difficult to control the rain; and at all events that has nothing to do with the State Electricity Commission. I hope this Bill will meet with approval.

Question put and passed.

Bill read a second time.

In Committee

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

NATIONAL FITNESS ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON W. F. WILLESEE (North) [6.0]: This is a logical machinery Bill to amend the National Fitness Act, and it is not in any way, contentious. There are only four simple provisions contained in it for the consideration of the House. One amendment is to provide for the situation that arises when the Minister for Education and the Director of Education, who are the chairman and deputy chairman respectively, are not able to attend a meeting. The Bill proposes that the Minister shall have power to nominate a member of the council to act as deputy chairman in the absence of both him and the Director of Education. This is a much more efficient method than the present one of ensuring that there shall be someone in authority to take the chair in such circumstances.

The second amendment is to provide that all appointments to the National Fitness Council as from the 1st July, 1959, will be for five years only. At present members are appointed for life; and in the course of administering the Act many disadvantages have arisen with the existing procedure. Under the proposed method of appointment, the council will enjoy the benefit of having new blood instilled into it at intervals of five years.

The third amendment seeks to abolish the practice of appointing a co-ordinating committee. Under the existing legislation, the practice of appointing the co-ordinating committee ended in failure because it became obsolete; and more efficient administration was gained by the council appointing sub-committees to deal with problems as they arose.

The fourth provision in the Bill will enable the National Fitness Council, with the written consent of the Minister, to acquire, hold, lease, and alienate property for the purpose of putting the objects of the Act into effect. I do not think there can be any quarrel with a provision such as that. The control of the National Fitness Council is always in the hands of the Minister and, by delegation, he can vest power in the council if this amendment is agreed to. From inquiries that have been made it would appear that individual members of the council are unanimous in their agreement to the provisions contained in this measure. Therefore it gives me great pleasure to support it.

THE HON. F. R. H. LAVERY (West) [6.6]: I intend to support the Bill. Although I do not wish to cast any reflection on the members of the National

Fitness Council I would like to find out from the Minister how the members of the council are appointed. Are they appointed by administrative act of the Minister, or are they appointed because of their ability in some particular field of national fitness? Another matter I wish to raise is that I believe more funds could be made available to the National Fitness Council to enable it to carry out its valuable work.

Whilst I realise that my remarks do not come within the ambit of the Bill, I would like the Minister to explain why some differentiation is shown between the police boys' clubs and the National Fitness Council in the matter of expenditure. I understand that £4 is spent on each boy or girl in the police boys' clubs and yet only £2 on each boy or girl is expended by the National Fitness Council. In view of that information, I believe there is definitely a great need for more funds to be allocated to the National Fitness Council so that it may extend its activities.

THE HON. G. BENNETTS (South-East) [6.8]: I would like to know from the Minister whether any member of the National Fitness Council represents the country districts. We have just heard the Minister advise the House that the Government intends to appoint to the State Electricity Commission an additional member to represent country districts. Therefore, I would like to know whether the Goldfields could be represented by a member of this council. I am unaware whether there is provision in the legislation to make such an appointment, but I would be pleased if it could be done.

THE HON. J. G. HISLOP (Metropolitan) [6.9]: I am sure the members of this Chamber will be interested to learn the work performed by the National Fitness Council. Its ramifications are so wide that it is only by reading the report of the council that one can estimate the scope of the work that is being performed. From time to time I have complained that reports by various organisations and departments which should be tabled in this House have been somewhat belated in their presentation; and here is an excellent example to support my complaint. From the Act it will be seen that—

The council shall, at least once in every year, cause a general report containing a summary of the work done under this Act during the preceding year to be prepared and laid before both Houses of Parliament together with a true copy of its accounts as then last audited.

So far as I can gather, a report was issued in 1948; and in my hand I hold the report for 1952, and that is the latest that can be found in this House. Therefore, I do not know whether any report has been made by this council in the last seven years.

I suggest to the Minister that he postpone his reply to the debate on the second reading of the Bill until some later date when he can give us some idea of the work done by this organisation. On reading the 1952 report I note that there are a number of people holding office. There may be later reports but, as I have said, that is the only one available in this House. I point out, however, that there is a document which was issued in 1955, containing all the regulations relating to the National Fitness Council, but that, of course, contains no information of any value. Nowhere in this report of 1952 can I find any record of the attendances at meetings of the members of the council.

In organisations of this character, it is essential to know whether the members are regularly attending the meetings. I notice, also, that in the 1952 report there is a paragraph listing the grants made by the Commonwealth, and showing how they were applied by the council. Following that, there is a part of the report outlining the general administration of the organisation and listing the various officers who are housed in the headquarters building. The report also gives the names of the staff, the services rendered to voluntary organisations, and so on.

It seems to me that there has been some laxity in the presentation to Parliament of the reports of the work performed by this council and, therefore, it is obvious why there is a necessity to limit the period that a member can sit on this council. This House is also entitled to know what work is being carried out by the council, and the amount of money that is being expended by it. On checking the 1952 report, I find that the council is spending something like £11,000 a year.

The Hon. L. A. Logan: I think it is about £50,000 a year now.

The Hon. J. G. HISLOP: In that case, I think we should know what is happening in regard to this organisation. Therefore, I ask the Minister to acquaint us of the position, and let us know whether meetings are being attended regularly by the members, and the actual number of attendances by each person—which is done so often in regard to organisations such as this. He could also give us some idea of the council's expenditure.

On motion by the Hon. G. C. MacKinnon, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

WORKERS' COMPENSATION ACT

Amendment to Section 8

Debate resumed from the 19th August on the following motion by the Hon. E. M. Heenan:—

That in view of the fact that certain of the diseases (such as silicosis) mentioned in the third schedule of the

Workers' Compensation Act, 1912-1956, are now known in some cases not to reveal themselves until after the expiry of the term of three years specified in section eight of the Act, this House urges the Government to introduce a Bill to amend section eight in such a way as to cover such cases.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [7.30]: I would like at this stage to take the opportunity to reply to the motion moved by Mr. Heenan which is order of the day No. 12 on today's notice paper. I apologise to the honourable member for the fact that this matter has not been dealt with previously; but I think he will permit me to say that both sides have been responsible for the delay. When he wanted me to reply, I was not in a position to provide the information; and after I got the information, something else intervened and I was not able to deal with it.

As members are aware, section 8 of the Workers' Compensation Act, to which Mr. Heenan referred, and the third schedule, contain the industrial disease provisions. These were introduced into the Act because there are a considerable number of diseases and ailments, particularly those of gradual onset which, although known to be connected with and to arise out of certain trades and industrial processes, do not fit easily within the definition of "injury by accident" as generally used in the Act. Consequently, prior to the Act being amended, it was difficult and often impossible for a worker who had contracted one of those diseases to prove sufficiently just when and where the damage had been done, to base a claim to compensation from any particular employer.

However, by creating certain assumptions, and in appropriate circumstances shifting the onus of proof from the worker to the employer, section 8 has removed the difficulties and, in some respects, placed workers suffering from industrial diseases in a better position than in the case of ordinary industrial accidents. I think members will agree that, in the main, the provision has worked quite well and with reasonable equity to both worker and employer. It is true, as Mr. Heenan has pointed out, that in order to gain the benefit of the section, the date of death or first disablement must be shown to have been within three years of employment, to the nature of which the disease was due.

With, perhaps, the exception of silicosis, the three-year period, has been found to be not only reasonable but fairly generous. Where a disease has been contracted in an industry, symptoms normally develop inside a three-year period; and it is considered that to extend the time would be to increase to an unfair extent a period during which the employer has no knowledge of his former worker's movements

and activities, so that it would be easy to imagine an employer being unable to resist a claim when, in reality, the trouble originated not before but after the worker left his employer. This might particularly be so where, within this period, the worker left the State—and perhaps the country—as it is not hard to imagine the difficulties and expense that would face an employer making investigations. These remarks apply to diseases other than silicosis, but they do indicate that the general extension of the three-year period is not the proper answer to the problem, if, in fact, the problem exists.

Mr. Heenan instanced the case of Giacomo De Conti. The insurance file of this man reveals that he arrived in this State in 1927 and worked on gold mines from 1931 until the 27th December, 1950. He then left Kalgoorlie and came to the metropolitan area for reasons that are not stated. On the 17th February, 1955, he lodged an application for compensation with the State Government Insurance Office. It was stated in the claim that he had been a vine grower for the preceding four years, but on a further form dated the 26th July, 1955, it appears that he was working by then at Whiteman's brick works. Several medical certificates were produced showing that De Conti had clinical and radiological symptoms of early silicosis and was only fit for light work. There was no evidence offered, however, that De Conti's disability had resulted in any loss of work or earnings so as to entitle him to compensation; even apart from the fact that his claim was made too late.

So there we have a set of circumstances where a man, probably through no fault of his own, journeyed from one occupation to another. It is known that silicosis is a progressive disease and can continue to progress even after contact with the irritant has ceased. For that reason it is possible that the three-year period, although ample in other cases, could work hardship in the case of silicosis. As to what extent the hardship extends is, however, difficult to say.

The Minister controlling the Act has advised me that it might be desirable to reconsider the whole manner of compensating silicosis sufferers, and for that purpose he is agreeable to arranging a conference between the following people:—

Three representatives of the Workers' Compensation Board, including the chairman, together with representatives from the Medical and Mines Departments, and the State Government Insurance Office.

The Hon. G. Bennetts: I think we should also have a member from the mining division of the A.W.U.

The Hon. A. F. GRIFFITH: That was apparently not the purpose in the Minister's mind, but I would be prepared

to suggest to the Minister that he might have a member of the mining division of the A.W.U. included on this committee of investigation, and leave the matter to him.

The Hon. F. J. S. Wise: They are really expert people.

The Hon. A. F. GRIFFITH: I think it would be fair enough for me to promise to suggest this to the Minister controlling the particular Act.

The Hon. E. M. Heenan: It would create confidence in the report.

The Hon. A. F. GRIFFITH: The honourable member will appreciate that I cannot go any further than say I will represent the matter to the Minister controlling the Act. My own dealings with members of the mining division of the A.W.U. have been of a very satisfactory nature. I have found the union to be a particularly good body, and when I went to Kalgoorlie for the first time I made it my business to ask whether its members wanted to see me; and I intend to do so in the future. I did not do so while travelling with the parliamentary delegation, because we had little time for anything but festivities.

The object of the committee would be to make recommendations to the Minister, bearing in mind the motion moved by Mr. Heenan and the comments he made when introducing it to the House. I would respectfully suggest to the honourable member that, in view of the undertaking from the Minister controlling this Act, it might be of some advantage if he gave consideration to withdrawing his motion. The motion may or may not be passed; but whatever the case may be, I could have sat here and said little, and let the motion be passed without taking any action.

Rather than that should happen, my colleague who controls the Act, spoke to me about it and assured me that he was prepared to put forward the suggestion mentioned. I think that might have a more realistic result than any other course. I make the suggestion in all good faith that in the circumstances it might be profitable if the honourable member withdrew his motion; and when the committee has concluded its investigations, and the Minister has had an opportunity to consider them, then will be the time to see whether the amendments referred to in the motion can be made to the third schedule of the Workers' Compensation Act.

THE HON. G. BENNETTS (South-East) [7.44]: I am glad Mr. Heenan brought this matter before the House, because for many years now I have been connected with the class of miner mentioned by the honourable member. I am sure Dr. Hislop will know that there have been such cases, because one of these people told me he had contacted the honourable member, though I do not know what the particular case was.

I think the Minister's suggestion is a good one. Why I ask for a member of the mining division of the A.W.U. to be appointed to the committee is that the union is composed of a very active body of men who are dealing with these cases daily. They know the Act thoroughly and are familiar with the type of case brought forward by Mr. Heenan. If such a representative were on the committee he would prove to be of great assistance to the other members of the committee in helping them to reach a decision. I hope the Minister will do his best—as I know he will—to have a representative of the union included on the committee.

THE HON. J. D. TEAHAN (North-East) [7.46]: As a Goldfields representative I must say how pleased I am that this matter has been brought forward. It is a most active question on the Goldfields, and there is a real bitterness about the three-year barrier. I know personally that this is a progressive disease, because my father was a victim of silicosis, he having worked on the mines on the Golden Mile. One does not need to be a medical man to know that it is a progressive disease. It is most painful to see these men.

At one time the disease was more noticeable on the Goldfields than it is now. The lessening of its incidence is due to the fact that we now have a Commonwealth laboratory that warns the miners in their earlier life. A year or two ago I listened to Dr. Hislop when he spoke on the matter, and he agreed that this is a progressive disease and that if one has a small percentage of silica one has it in sufficient degree to be affected. It is hard to say whether one requires 50, 60 or 70 per cent.; if one has 30 per cent. one has plenty.

These people live a miserable life once they have contracted the disease in sufficient form. Some get it in early life. I have seen men aged between 30 and 33 years in an advanced stage, while others are 50 or 60 years old before the disease tells on them. The last years of their lives are anything but pleasant, with the progress which the disease makes.

As a result of what the Minister has said tonight, I hope that something will be done. Plenty of evidence is available on files at the Medical Department to warrant something being done; and evidence can be adduced from the secretaries and organisers of the miners' unions. I am certain that if this committee seeks information it will get it in plenty; but I am pleased the matter has been brought forward, and I hope that something concrete will result.

THE HON. R. F. HUTCHISON (Suburban) [7.48]: I want to say how happy I am that this matter has been brought forward by Mr. Heenan; and how happy I was to hear the encouraging reply which the Minister gave. I still have on my mind a man who lived near my home. He

was a clear silicotic when he left the mines, but I do not think he knew it. He did not see the finding, and he went away for two years. However, he grew progressively worse; and when he came back and applied for a pension he was one week outside the time limit. He died in very miserable and adverse circumstances. In addition, I watched his wife suffer a thorough breakdown in health.

That is a case which I have never forgotten; and that is why I am happy now that concrete steps are to be taken so that such a thing cannot happen again. It is not right that, for the sake of one week, a man should die in such miserable circumstances. Cases of this nature should not depend on an invalid pension. In this instance the wife received a pension allowance, but the income was not sufficient to meet the needs of one person, let alone the needs of another who was ill. I am happy to support the motion.

THE HON. J. G. HISLOP (Metropolitan) [7.50]: It is a great satisfaction to me to know that at last some active measures are to be taken in viewing once more the whole of the problem of silicosis and its compensation. I am pleased that the Minister used the term "that a committee be formed which will inquire generally into the whole problem of compensation for silicosis" because, unfortunately, the one facet of the matter referred to in Mr. Heenan's motion is too small in relation to the whole problem.

The removal of the three-year period will assist a few, but not the major number of persons who should be assisted by any change of views in regard to this disease. There are many aspects of silicosis that must be of interest to those who have to face the problem amongst workers. Sir Thomas Legge enunciated the theory, which today has been proved more than a theory, that any precaution that depended partially or entirely upon the co-operation of the worker was of no avail. In other words, any prevention of this disease must be by measures outside the man's activity and his efforts to protect himself. It is interesting to realise that the aluminium which was introduced into the mines has not, in general, been the success it was hoped; but the whole of the alteration of the process of mining has contributed much to the lowering of the number of cases of silicosis over the years.

The Hon. G. Bennetts: Ventilation.

The Hon. J. G. HISLOP: All those methods which have been adopted to improve the conditions of the mines themselves have, in the main, contributed to the improvement in the numbers of cases of silicosis that are reported. This is a matter which is interesting not only our own country, but many other countries in the world. I do not want to burden the House at the moment with the new

views that are held with regard to the manner and spread of silicosis throughout the lungs, but only to say that some of the ideas which were held many years ago that the minute particles of silica were deposited from the lung tissues into the lymphatic drainage of the lungs, blocking the drainage of the lungs partially and later, in some cases, almost entirely, have been altered considerably in the light of the greater intensity of microscopic examination of human diseases that is now possible.

There was a postulation at one stage that certain of the phagocytes, which are portion of the blood mechanism, and which act as scavengers and carriers, appeared to attract to them silica in minute particles, then moving them away through the bronchial tubes or through the lung tissues into the lymphatic drainage. It was obvious that it was postulating a two-way action on the part of these particular blood factors; and in the light of modern knowledge that has had to be discarded.

Even the present theory of the progress of this illness is one of very great complexity. In the past, compensation has been based, to a large extent, on a belief that this is a disease which is localised in the lungs themselves; and in the forms which are provided for claims under this particular portion of the Act there is a necessity for the medical certificate to be divided into sections. In one it states—

- (a) What is the degree of incapacity in respect of such industrial disease alone for any class of work?
- (b) What is the degree of incapacity (if any) in respect of non-industrial diseases alone for any class of work?

Therefore, the individual receives his compensation, in the main, purely on the judgment of radiologists, or the physician looking at the X-ray film of the person's chest. It is on that basis, to a large extent, combined with some clinical examination of the chest, that the pensions have been granted. Some new work has recently been done by the Rumanians, and they have brought to us a new concept of this disease. I will read the first extract of an interesting article which appeared in the *British Journal of Industry* of January, 1959, page 40. Those who are interested in the full article may scan it if they wish. It is headed "Investigations Concerning the Pre-Radiological Stage of Silicosis." It reads as follows:—

Twenty two gold miners were studied in detail six monthly for two years after first entering mining.

Six men worked in the dustiest part of the mine (8,000 to 45,000 particles per millilitre all sizes in rock containing 72 per cent. free and combined silica) showed a progressive increase

in blood silica, a fall in erythrocytes and a rise in eosinophiles and monocytes.

They reckoned about 80 per cent. of the dust in the mine is released by blasting and 20 per cent. by mucking out.

About 10 per cent. of the total weight of dust released is in particles of between 0 and 1 μ in diameter and 50 to 60 per cent. between 1 and 3 μ .

First radiological changes noted in these after at least five to seven years.

It therefore puts the question of three years into a questionable class. The article continues—

Group A included persons who worked in areas of maximum dust concentration (from 8,000 to 45,000 particles per millilitre) during their whole underground working.

The Rumanians have investigated the silica in the blood in these groups. Before entering a mine, the amount of silica in the blood was 0.24 per cent.; after six months it was 0.38 per cent.; after 12 months, 0.62 per cent.; after 18 months, 0.82 per cent.; and after 24 months, 0.91 per cent. It is presumed, I think, that we all have a certain amount of silica in our system because of our exposure, in our ordinary lives, to dirt and sand containing silica; but these groups in the dusty atmosphere ranged from 0.24 per cent. to 0.91.

This concept of silicosis is quite new. I have made inquiries and I find that it is now quite possible that some standards are being set up to estimate the amount of silica in the blood through estimating the amount of silicic acid rather than silica itself. Therefore, it should be possible to detect any miners who are showing a predominance of silica in their bloodstream. Their findings are these:

We believe that the chief element—I will put the findings into words of my own—

—of the pathogenetic mechanism in the generalisation of silicosis is the toxic influence of the increased blood silica.

This might account for the frequent dissemination of the silica throughout the body with the occurrence of necrotic lesions and connective tissue increase in the vascular walls, aorta, heart muscle, and in the pancreas, bile ducts, liver, spleen, kidneys, and nervous systems.

These lesions have been reproduced experimentally by the injection of silicic acid. The toxic action of silica upon the adrenal glands may partially explain the secretory failure reflected clinically in the asthenia, or the loss of general tone of these miners.

That alters the whole basis of the compensation of these miners. In 1956 I read to the House the changes that had taken

place in Canada and other parts of the world, including South Africa, in connection with silicosis as a major problem. It became quite clear that the term "silicosis" was being displaced by "pulmonary disability" arising from the industry in which the individual was occupied. At pages 487 and 488 of *Hansard* for 1956, the question of the degree of pulmonary disability is outlined, and a definition of silicosis given. I might read this interesting portion from page 488—

The following paragraph from the journal of Industrial Hygiene and Occupational Medicine, going as far back as six years, states—

America's outstanding worker in this field, Dr. U. Le Roy Gardner, after his many years of intimate investigation of silicosis and diseases of the lung, strongly maintained to the very last that there is no such thing as partial disability in silicosis and that men did not become disabled as the result of simple silicosis.

In other words, compensation should be paid for the pulmonary disability which follows as a result of the increase of silica in the body.

It is rather amazing to know that, despite the fact that we have had laboratories investigating the disease, in the many years in which we have had numbers of cases of silicosis no *post mortem* findings are available which verify the statement of the Rumanians that silica can be found in the organs of the body of an individual afflicted with silicosis.

I think it should be essential for research to be undertaken in our area; and not only for our own benefit but for the benefit of the men employed in the mining industry throughout the world. I hope that the State and the Commonwealth will combine with the idea of forming such a laboratory.

The laboratory at Kalgoorlie was first run entirely by the Commonwealth, but now the activities of the tuberculosis section and the silicotic section are mixed up in various departments—some in the mineworkers' relief, some in the workers' compensation, and some in the other departments I have named. Whilst this position applies, I doubt whether any real progress can be made in the research into this disease. Research can only be made into difficult problems of this character when the organisation concerned has the power of control and is able to decide upon the type and intensity of the investigation to be carried out.

One of the other problems that arise in connection with silicosis on the Goldfields, is the association of silicosis with the disease of tuberculosis. Despite the fact that tuberculosis in the rest of the community is dropping at such a rate as to

warrant the closure of the Wooroloo Sanatorium and only the half-filling of the Chest Hospital—and we hope that in five years there will be very few beds occupied in the Chest Hospital—the incidence of tuberculosis in the Kalgoorlie area has not fallen by anything like the same degree.

If we look at the figures given by the Commonwealth Health Department in the annual report of the Tuberculosis Control Branch for the year ended the 31st December, 1948, we find these words—

Despite intensive effort since 1952, the amount of tuberculous infection in the Goldfields is still much greater than it should be in relation to the relatively small population. However, the Clinic Chest Physician, Dr. McNulty, has worked very hard on the problem and in his second year has achieved more satisfactory supervision, and it is to be hoped that future years will produce some control of the problem.

Some extracts from Dr. McNulty's report are then included—

The routine examinations revealed seven miners and 25 ex-miners with tubercle bacilli in sputum or gastric contents.

I take it that means that in Kalgoorlie 32 men have been found to be suffering from tuberculosis for the first time, otherwise they would not be reported in this routine examination. The report then goes on to state—

Total number of X-rays of miners examined	7,233
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Total number of miners requiring special supervision	238
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One can see from these figures that in Kalgoorlie the tuberculosis problem is not coming under control as rapidly as it is elsewhere. Dr. McNulty makes this statement—

The vast majority of those investigated showed no evidence of active pulmonary tuberculosis on bacteriological examination, despite suggestive radiological changes and symptoms. Unfortunately, it is an accepted fact that a number of these will develop active tuberculosis.

Any committee going into the question of tuberculosis will find it necessary to investigate the relationship between silicosis and tuberculosis.

In passing, might I pay a tribute to the work of Dr. McNulty who is the first trained physician employed on this task. When, the other day, I was in conversation with Dr. King, the Director of the Department, he expressed great appreciation for the work being done by Dr. McNulty. Any committee appointed to go into this question should obviously include Dr. McNulty among the number to give advice.

Among the great difficulties one sees in controlling the silicotic miner, is the fact that this pulmonary disability is regarded as portion of the reason for compensation. I admit there are great disabilities. One sees miners with grossly emphysematous chests—barrel chests which they cannot get the air out of—that they can get the air into but not out of because there is no method of moving the diaphragm and chest muscles in proper relationship. Yet one realises that to give all these people full compensation, because they have silicosis, could be queried on the ground that there are numbers of people who never see a goldmine but who develop emphysema.

One could also query what has actually been regarded as compensable in Canada; namely, certain heart conditions said to be associated with silicosis. Yet it is quite obvious that there are a number of individuals who develop those heart conditions, but who also have never seen a mine. Therefore some sort of balance must be struck in granting compensation.

There must be some human approach to the matter. Whilst we might say that the individual who has been 40 years in a mine can demonstrate only 20 per cent. of silicosis by X-ray, and should receive compensation equivalent to 20 per cent., yet he is totally unfitted for work; and with a more humane approach we would say that if this man had worked for that period of time and was now unable to carry on his occupation, he should be treated on much the same lines as is a returned soldier who is regarded as being unfit if he develops conditions which have been even remotely connected with his war service, provided there is some mention of the disability during his war service, or it is on his war record. So the problem of compensating these miners may have to be widened considerably.

The further one goes into the problem, the further one realises how difficult it was in the early stages for the insurance companies to take the risk of compensating the miners, when they, the insurance companies, had no idea what they were facing. Whilst the fee that the companies asked for in those days would have more or less endangered the whole of the mining industry, it is obvious that even the charges made by the State office in the past were excessive, and contributed in no small degree to the monument built by the State Government Insurance Office in St. George's Terrace.

Therefore I think that any committee which is set up must develop a more humane attitude towards these miners, and realise that it is not looking at the problem purely from the point of view of how much compensation shall be provided.

I believe the whole problem of compensation must be reviewed in the light of the remarks I made previously, inasmuch as I think that some of the major

disabilities that arise from industry—either by accident or non-accident reasons—should be based on something like an insurance policy in which all pay their share.

Whilst the miner himself might realise that the mines are responsible for the silicotic portion of his disability, he might also—sharing with the general public and the Government—insure himself against the time when the ordinary processes of life, combined with silicosis, render him totally unfit for work. If something on that sort of basis were contemplated, we might go a long way towards producing justice for these people.

So I quite agree with the Minister that it would be wise for Mr. Heenan, in the light of the generous way in which the Minister has agreed to set up a committee to investigate the matter, to withdraw his motion. At the same time, however, I plead with the Minister to ensure that the committee will not be composed only of people from the Public Service, but will include some from outside the service who have taken an interest in the miner and his compensation. There are many people from whom the Minister can choose who have made an intensive study of this problem.

Finally I suggest to him that this committee of review consider not only the question of compensating a man on an X-ray plate, but that it go into the question of whether the work of the Rumanians can be confirmed; and whether it is possible to judge the amount of disability that a man is experiencing by means of complete tests over periods of service in the mines; and whether it would be possible to ask the Commonwealth Government to co-operate with the State Government in setting up a laboratory in Kalgoorlie which would have as its object research into the causes, prevention, and treatment of silicosis.

THE HON. E. M. HEENAN (North-East—in reply) [8.16]: The Minister, in his opening remarks made somewhat of an apology for the delay in dealing with this matter; but I would like to assure him that so far as I am concerned, after listening to the debate, I am glad that the delay occurred because it gave those who are interested in this subject an adequate opportunity carefully to consider the matter.

I am sure that all who have listened to the debate will agree with me when I say that those who have contributed have made a real contribution. I would be ungrateful if I did not express my appreciation for the proposal which the Minister has made. I think the purpose of my motion has been achieved 100 per cent., because we Goldfields' members have had this problem before us for years, and

it is so difficult to achieve anything. Institutions and individuals concerned have been generous in the past but, as Dr. Hislop has pointed out, the viewpoint of even the medical profession has changed considerably over the years, and the problem presents itself today in a different aspect to what it did only a few years ago.

I am grateful that a representative committee is to be nominated by the Minister to consider this complex question, and to make some proposals which will before long I hope, be embodied in legislation which we can deal with and pass. By interjection Mr. Bennetts suggested to the Minister that he would like included on the committee a representative from the mining division of the A.W.U. I am sure that the Minister will give that suggestion careful consideration. Like justice, which I think must have the appearance of being done, it is necessary for a committee such as this to have the appearance of being representative of all sections.

As regards the representative from Kalgoorlie, a number of names of those who would be suitable spring readily to mind. There are even two or three members of Parliament who have had many years of personal experience with mining, and whose actual participation in mining underground has given them experience which would be of inestimable assistance to the committee. Dr. Hislop, in his splendid address—one which I am sure will be greatly acclaimed on the Goldfields—paid a tribute to Dr. McNulty, who is with the Commonwealth laboratory in Kalgoorlie. He is more or less a newcomer, but his fame has already become widely known; and apparently he is a specialist in this field.

In his speech, Dr. Hislop pointed out other people who could become members of the committee. Of course we cannot have everyone on a committee like this, but I know of no-one who has made a greater study of the subject, or who is more conversant with its complexities from a medical and social point of view, than Dr. Hislop himself; and the many contributions that he has made in this House and his knowledge of the legislative difficulties associated with the problem would be of great assistance. In any case, I hope the committee will be guided by some of the very worth-while contributions that he has made in this House from time to time.

The problem is a difficult one and it has medical aspects, social aspects, and economic aspects, and it will be difficult to solve them all 100 per cent. At present silicotic miners can go on working in the mines for as long as they like so long as they do not get T.B.—and they are candidates for T.B. all the time. These men are good miners. I have with me papers concerning the case of a man named Buton.

Year after year he gets notices from the Minister for Mines, and this is how they read—

Take notice that you are reported as having developed silicosis of the early stage and that further employment underground at a mine may be detrimental to your future health.

This man has had at least a dozen of those notices. But he has a young family to rear, and as our laws allow him to continue working year after year, so long as he does not get T.B., he continues to work in the mines. Up to date the point of view has been held that it is a localised disease in the chest, and if this man was suffering only 20 per cent. or 30 per cent. silicosis and he left the mine, he would get only 20 per cent. or 30 per cent. of the £2,000 or £3,000 compensation which we pay. Naturally, the unfortunate man cannot afford to leave the mine, and so he goes on—a candidate for T.B. all the time.

I am grateful to the Minister, my colleagues from the Goldfields, and particularly Dr. Hislop, for the assistance they have given the House, and I am confident that their remarks will be of assistance to the committee. One again I would like to express gratitude for the attitude adopted by the Minister, and I am pleased to act upon his suggestion and ask leave to withdraw the motion.

Motion, by leave, withdrawn.

CLOSED RAILWAY LINES

Reopening

Order of the day read for the resumption of the debate from the 18th August on the following motion by the Hon. L. C. Diver:—

That as the Royal Commissioner's report on closed lines is based on many irrelevant matters and would appear to be considered purely on a financial basis without taking other considerations into account, this House is of the opinion that the Government should not accept all the recommendations as final and would urge that immediate steps be taken to open the Burakin-Bonnie Rock, Lake Grace-Hyden and any other agricultural lines where similar circumstances justify their reopening.

Order Discharged

THE HON. L. C. DIVER (Central) [8.25]: In consequence of the Government now having taken action to reopen the railway lines mentioned in the motion, I move—

That the order of the day be discharged from the notice paper.

Motion put and passed.

Order discharged.

ADJOURNMENT—SPECIAL

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

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

Question put and passed.

House adjourned at 8.29 p.m.

Legislative Assembly

Wednesday, the 30th September, 1959

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

QUESTIONS ON NOTICE**BRITISH PAINTS***Tabling of File*

1. Mr. **HAWKE** asked the Premier:

Will he lay upon the Table of the House the appropriate departmental file or papers covering the proposed expenditure of £100,000 by British Paints, as mentioned in his reply to my question without notice to him on the 22nd September?

Mr. **BRAND** replied:

In the time available, the only file papers located are a letter from British Paints, dated the 17th July, 1959, to the Government Tender Board and an extract from *The West Australian* of the 5th August, 1959. Copies of these are tabled. A search of the files is being made to see whether any other relevant papers are filed.

The papers were tabled.

COCKBURN CEMENT CO. LTD.*Additions*

2. Mr. **HAWKE** asked the Premier:

Is the Cockburn Cement Co. Ltd. likely to carry out the suggested additions at an estimated cost of £100,000 during the current financial year or during next financial year?

Mr. **BRAND** replied:

Preliminary plans and works are well in hand. Some plant has already been purchased. It is not known when the work involved will be completed.

GOVERNMENT PRINTING OFFICE*Transfer of Work to Private Firms*

3. Mr. **HAWKE** asked the Premier:

- (1) Which Government departments or instrumentalities have made printing work available to other than the Government Printing Office since the present Government took office?
- (2) What are the names of the private printing establishments concerned?
- (3) In how many of the instances covered by question No. (1) was the Government Printing Office given the opportunity to tender or quote for the work?