HOUSE OF ASSEMBLY.

Thursday, November 8, 1951.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

POTATO SUPPLIES.

Mr. O'HALLORAN—Has the Minister of Agriculture a reply to the question I asked on Tuesday last regarding the distribution to country towns of a reasonable quota of potatoes imported from Western Australia?

The Hon. Sir GEORGE JENKINS—The chairman of the Potato Board reports:—

Distribution of Western Australian potatoes landed at Wallaroo and of those to be discharged at Port Adelaide today will be carried out by licensed merchants who will receive allocations from the board's distributors in accordance with the general policy determined by the board. Through these channels country districts will receive equitable proportions of the potatoes available. Where practicable country districts north of Adelaide will receive supplies direct from the cargo discharged at Wallaroo.

Mr. HUTCHENS—I learned this morning that the potato boat now being unloaded at Port Adelaide is being worked by only one gang of men whilst other boats loading and unloading non-essential goods, such as motor bodies, are being worked by gangs. Will the Minister of Agriculture take what action he can to secure, if possible, a greater number of men to work on the unloading of the potato boat in order that potatoes can be made available?

The Hon. Sir GEORGE JENKINS—An allocation committee deals with the question of wharf labour. I take it that the committee in its wisdom has allocated such labour for the unloading of the potato boat as it considers necessary. I will refer the question to a competent authority and ascertain the position.

TAKING OVER OF CITY DWELLING.

Mr. LAWN—Has the Premier any further information to give regarding the letter I handed him last week containing notice by the Kar-Fix Engineering Company to its tenant to vacate premises?

The Hon. T. PLAYFORD—I have a report from the chairman of the Housing Trust, who is the authority administering landlord and tenant regulations, as follows:—

The Landlord and Tenant (Control of Rents) Act, 1942-1950, lays down the procedure which must be followed by a landlord of a dwellinghouse who desires to secure possession of the house from the tenant. A notice to quit must be in writing and be given for the period required under the Act. An oral notice to quit has no legal effect and a letter in the form of the above would not constitute a valid notice to quit. The Act provides that, in general, a notice to quit may only be given upon one or other of the grounds set out in section 26n of the Act. In addition, other provisions of the Act dealing with notices to quit must be complied with such as that a landlord who buys a house cannot give notice to quit until six or 12 months after the purchase, depending on whether the house was purchased before or after December 7, 1950 (the day of the assenting to of the amending Act of 1950) and limiting the right of an alien to give notice to quit. In the event of a valid notice to quit being given, the tenant is not legally obliged to yield up possession unless the landlord institutes proceedings in the local court and the court, after consideration of the relative hardships of the parties and the other matters prescribed by the Act, makes an order in favour of the landlord requiring the tenant to give up the possession of the house.

Mr. LAWN—Recently I asked the Premier a question regarding the partial demolition of a dwelling in Gilbert Street, Adelaide, and its conversion into a motorcar showroom involving the use of certain materials including a quantity of cement. In his reply the Premier stated:—

A permit has not been granted to this company for the demolition of a dwelling. On the contrary, an application to convert the house into a showroom was refused. . . . If all the proposed alterations were carried out, an offence probably would be committed, but the Crown Solicitor did not think it would be regarded very seriously by the court.

I assume that that was the considered opinion of the Crown Solicitor. The *News* of October 25 last contained the following report:—

The Kar-Fix Engineering Co. Ltd., of Gilbert Street, City, was fined £10 with £2 12s. costs by Mr. Coombe, S.M., in Adelaide Police Court today for having during April made alterations to its premises without the approval of the Adelaide City Council.

Can the Premier say why the Adelaide City Council was able successfully to prosecute the company for carrying out alterations without a permit, whereas the Crown Solicitor advised the Government against such action? Will the Premier thoroughly investigate this matter to see whether further action may be launched by the Government against the company, or failing that, whether the Building Materials Act needs amending to cover such a case?

The Hon. T. PLAYFORD—It is quite possible that action taken may constitute a very small infringement of one Act, but a very serious infringement of another. For instance,

with regard to this dwellinghouse which was unoccupied and unfit for occupation, probably if that matter went to the court, the judge would take the view that, the amount of controlled materials used being negligible, a very trivial offence had been committed. Under the complexity of laws today it is very doubtful whether an ordinary person does not break some law to some extent almost every day by either crossing a street at an angle which is not a right angle, by incorrectly filling in forms, or in some other way. The Government has found that the Crown Solicitor has a good knowledge of what constitutes a breach of the Act, and where we have proceeded against his advice we have usually found that the court failed to convict, and in some instances we have been left to pay the costs. For example, Mr. Quirke recently raised a question where a trivial matter assumed importance by its being taken to court. It is quite possible that this company may have infringed the building regulations of the City of Adelaide in a very serious way, because such regulations are based on entirely different premises. This firm may have obtained no permit to do the work as required under the Building Act.

Mr. Whittle—Or may not have submitted their plans.

The Hon. T. PLAYFORD—Yes; so the two matters are not analogous. I have found the Crown Solicitor a fairly accurate judge of what constitutes a breach of the law, and I am sure members do not want a system to be created whereby we are continually prosecuting people for trival offences.

HILTON BRIDGE.

Mr. FRED WALSH—Has the Minister of Railways anything to add regarding the question I asked on Tuesday last concerning a better railway fence at Hilton Bridge?

The Hon. M. McINTOSH—As I indicated then, the problem is the absence of sufficient manpower and material to go ahead with the job, but the Railways Commissioner has stated that for some time he has been planning a better fence along the lines suggested by the honourable member, and to that end has placed an order for wire mesh. This is not yet to hand, but the work will be carried out as soon as it is.

CHRISTMAS COAL SUPPLIES.

Mr. DUNNAGE—According to the press, Senator McLeay, dealing with the question of coal supplies, stated in the Senate yesterday that certain shipments of coal were coming forward from overseas and were to be shared between Victoria and South Australia. Does the Premier know anything about these shipments? If so, when will they arrive, and will there be enough coal to carry the State over the Christmas vacation of the Newcastle coal miners?

The Hon. T. PLAYFORD—I received a telegram from Senator McLeay setting out the arrangements he had made. He has secured five ships which will be on the Australia-Africa-India run permanently carrying coal. I think an 80-day turn-round is contemplated. He also stated that this coal was for South Australia and Victoria. The telegram arrived only very recently and I am having it analysed to see if the arrangements will ensure a supply of coal for the Christmas period. I express appreciation of the attitude the Minister has taken, for it is obvious he is doing his utmost to tide this State over that very difficult period.

WINE INDUSTRY STRIKE.

Mr. MACGILLIVRAY—The Premier is, of course, aware that the district I represent is one of the largest growers of wine grapes in the Commonwealth and that the growers are largely ex-servicemen of World Wars I. and II., who are looking on the continuation of the strike with a good deal of apprehension. I have already informed the Premier that workers in the wine industry in country areas are not in favour of this strike. Their reasons for objecting to it are that they were not consulted in the first place and, secondly, that they know nothing of the reasons why the strike is being carried on. They are being mulcted in a levy to keep men in the city who, they believe, are in many instances fully employed in other industries. The question has been asked of me whether, as this is an illegal strike, the union can force the men in my district to pay the levy. I understand that under certain conditions a trade union can sue through the courts to obtain contributions from its members, but under the present circumstances can any worker in the Liquor Trades Union who refuses to pay the levy be sued at law and forced to pay it?

The Hon. T. PLAYFORD—The honourable member's question involves a question of law and what I shall say is subject to the qualification that I have not had an opportunity to consult the Crown Solicitor. Only yesterday I received a letter from an employee in the wine industry asking if the Crown would protect

him against a demand being made upon him for certain contributions each week out of his pay envelope. That matter is being examined, but I have not yet received a report. I think this case is somewhat analogous to one that occurred not long ago when a number of Government employees refused to participate in a strike and, when the strike was over, the union sought to impose a fine upon them for not taking part in it. An injunction was taken out in the court and the court's decision was that the fine could not be collected because the strike was illegal and that no-one can be fined for trying to keep within the law. The winery strike is undoubtedly an unlawful one and I express the personal view that it is not possible to enforce levies to prolong an unlawful strike.

Mr. FRED WALSH—I do not accept any responsibility for the current dispute in the wine industry—in fact I did my best to prevent it in the first place, and have done my best since to have it settled satisfactorily. I disagree with the view expressed by the Premier yesterday that the men had changed their grounds from day to day. I entirely disagree with the view of the member for Chaffey—

The SPEAKER—The honourable member must not argue the question.

Mr. FRED WALSH—My statement is leading up to the question I desire to ask following on the question of the member for Chaffey. Definite principles have been laid down with regard to the dispute and there are definite circumstances about which South Australians do not know, but which the men in industry know because they have been addressed on the matter and have endorsed the action of the men involved—except perhaps those at Berri in the district of Chaffey. As all strikes and lockouts are illegal under State and Commonwealth laws, can the Premier say what action has the Government taken in connection with many disputes that have occurred during its long term of office? Is not the union referred to by the Premier as seeking to enforce the payment of levies registered in the State Industrial Court? Is it not a fact that the union originally concerned in the wine industry dispute is not registered in that court?

The Hon. T. PLAYFORD—Regarding the issues involved in the strike, from information supplied to me the union first objected to females being employed in the industry because they said it was undesirable on moral grounds. Later they said they were prepared to accept the employment of the females provided they received the full male wage. Still later, they said they would accept a settlement if the employers were prepared to forego their right to appeal against a decision of the chairman of the Wages Board. Thus there have been three distinct changes of ground in connection with this matter. This information has been submitted to me by my industrial advisers, and was confirmed in conversations and in a report I received from the President of the State Industrial Court. With regard to the second question, the honourable member has raised in another way the matter mentioned by Mr. Macgillivray when he asked the Government to consider whether a prosecution for a breach of the law could be launched. At that time I said the position was complicated by the fact that this union, although working under a State determination, was registered in the Commonwealth Arbitration Court. I could not offhand give any more information as to whether a prosecution could or should be launched. Speaking personally, I express the view that a prime need today in this industry is for industrial peace to be once more established and for the men to place their grievances before the properly constituted industrial tribunals. That is a much better way than to talk about prosecutions or fines or any other action of that nature. The ultimate course that will have to be taken will be to get a proper determination on this matter through the appropriate tribunal.

Mr. FRED WALSH—In reply to Mr. Macgillivray on the enforcement of the payment of levies the Premier said that not long ago a union sought to enforce the payment of those levies, but was not successful because of court action. Can he say whether that union is registered in the State court?

The Hon. T. PLAYFORD—The union I referred to previously is registered in the State court and works under our State Industrial Code. In answer to Mr. Macgillivray, I said it was a snap answer and that I had not had an opportunity to receive definite advice. A number of factors of which I am ignorant come into the matter. I expressed a general view and cited what I thought was an analogous case.

MILK PRICE.

Mr. MOIR—Has the Minister of Agriculture a reply to the question I asked last week about the milk industry case for an increase in prices?

The Hon. Sir GEORGE JENKINS—The Chairman of the Metropolitan Milk Board reports:—

An approach has been made to the board by wholesalers. The board is now awaiting the receipt of returns from some of the wholesalers and it is expected that these will come to hand next week. All the returns will then be examined by the board's auditor who will submit his report to the board for examination. The board will then refer the report to the Minister of Agriculture.

PRIMARY PRODUCTION.

Mr. QUIRKE—Yesterday I asked the Premier a question relating to primary production and the provision of amenities in country areas. The Premier's reply covered a wide scope but omitted one important amenity, namely, hospitals. Was this inadvertently omitted?

The Hon. T. PLAYFORD—Yesterday there was a motion on the Notice Paper for debate dealing with hospital facilities for outback areas, and I knew that in that debate I would have ample opportunity of stating the Government's policy on this matter. I admit that I did intend, in answering the honourable member's question, to refer to hospitals because undoubtedly he is right in his implication that we cannot retain population in the country if subnormal hospital services are provided.

STOCK FEED WHEAT PRICES.

Mr. HEASLIP—All States except South Australia have refused to accept the offer of the Commonwealth Government in connection with increasing the price of stock feed wheat. Can the Minister of Agriculture say what position will arise if those States will not alter their attitude and its effect on the home consumption price of wheat? The wheat stabilization agreement will expire at the end of next year and if the growers are not satisfied prices will revert to world prices, which today are about £1 a bushel.

The Hon. Sir GEORGE JENKINS—I have little to add to the statement I made previously to the House, as there has been no alteration in the position. South Australia agreed to the Commonwealth proposals, but the other States disagreed. The results are not easy to forecast because the wheat agreement has not far to run, but wheatgrowers will be very perturbed about their prospects if the present attitude of the other States is continued. If this happens, it is quite possible the growers will not agree to the continuation of the agreement and as a result people in Australia will have to pay the world price for their wheat. It is now about £1 a bushel, as the honourable member says, apart from the international wheat agreement prices. I think everybody would be better off if the offer of the Commonwealth Government were accepted by all States.

PLYWOOD INDUSTRY.

Mr. FLETCHER—An extract from the annual report of Bulolo Gold Dredging Limited which appeared in today's *Advertiser* states that preliminary estimates for a plant to handle 10,000,000 board feet a year on the Bulolo (New Guinea) timber area have been made by an American plywood firm. Several firms and private individuals are interested in the plywood industry in this State, especially in the South-East, where our pine timber has been used. Has any assistance been given to these firms that are endeavouring to establish a plywood industry in this State and, if not, has any application been made to the Treasurer for assistance to establish one?

The Hon. T. PLAYFORD—The fact that supplies of timber have been made available at reasonable prices in a time of timber famine is of tremendous assistance to the industry being established. South Australia possesses, I think, the largest softwood forests in Australia. I do not think any application has been made for assistance, but I will check the correspondence on the matter before giving a final reply.

COPPER SUPPLIES.

Mr. SHANNON—In this morning's *Advertiser* there is a statement that there has been a protest by employees at the Finsbury Rolling Mills about copper and lead supplies. It has been reported that industries handling copper and lead particularly in Victoria are to continue with the quotas agreed on under the international agreement dealing with non-ferrous metals. I understand the Australian quota is about 20 to 25 per cent, and that there has been a reduction from 55,000 tons to 40,000 tons a year. Will the Premier see that of the supplies of copper made available to Australia the small industries in South Australia which are absolutely dependent on that commodity will get their right share, and that we will not see, as we have seen in the past, our small industries languish because of the greedy people on the eastern shores of Australia taking all the supplies?

The Hon. T. PLAYFORD—I presume that the procedure followed in this matter will be the same as in the distribution of lead, zinc, and a number of other items in short supply,

such as tinplate. Usually a distribution board is set up by the Commonwealth. In one or two instances a State representative has been appointed, but normally these boards are Commonwealth in their appointment, and consist of heads of Government departments and probably some persons engaged in industry. In my opinion this system has not worked very well. I have felt for a long time that South Australia has had a raw deal in connection with tinplate, but up to the present I have not been able to get any reassuring information on the matter. We have at last been able to get a South Australian appointed to the Tinplate Allocation Committee. One of our manufacturers has been invited to become a member and that may lead to a more equitable distribution as between State and State. I have already sent communications to the Commonwealth Government on the matter and I shall be most concerned if the arrangement followed does not give this State an equitable share of what is ultimately available to Australia.

HOUSING OF AGED PENSIONERS.

Mr. O'HALLORAN—Has the Premier seen the report of the statement in this morning's *Advertiser* attributed to the Commonwealth Minister for Social Services, Mr. Townley? Amongst other things the Minister said:—

> The housing of pensioners was probably the most urgent problem in the social services field. Members of Parliament could assist by urging their State Governments to set up housing settlements for elderly people.

Can the Premier say if representations have been made to the State Government by the Commonwealth Minister for Social Services, or the Commonwealth Government, in regard to assisting to solve this undoubtedly acute social problem? If not, and representations are received later has the Government any policy which will assist to solve the problem?

The Hon. T. PLAYFORD—I can recall no communication from the Commonwealth Government on this matter during the last two years. The Government will do its utmost to assist in alleviating the position. It is undoubtedly an acute problem and a considerable time ago the Housing Trust gave some consideration to it. As a result of the examination it proposed, and it has entered into contracts to build a number of blocks of flats which would be suitable for aged people with no family obligations. In addition, in our hospitals and various other institutions we are making provision to help in this matter. I pay a tribute to the great and valuable work done in this matter, particularly by religious organizations throughout the State.

SLAUGHTERING OF STOCK AT ABATTOIRS.

Mr. McLACHLAN—No doubt the Minister of Agriculture is aware that slaughtermen at the Abattoirs have refused to work overtime and that there will be no slaughtering on Saturday mornings. At present about 20,000 sheep are awaiting slaughter and it is recognized that for each day an animal is there 1 lb. in weight is lost. Will the Minister do all he can to see that the sheep are slaughtered quickly so that meat can be made available to housewives?

The Hon. Sir GEORGE JENKINS—I understand that the men had a meeting this morning and decided to resume work. The latest report from the chairman of the Abattoirs Board is that the men returned to work at 11 a.m. and are at present working two chains. As to their intention to work during week-ends, that is something in the lap of the gods, or rather of the men themselves. The chairman has gone out to the Abattoirs this afternoon and we are hoping that wise counsels will prevail and that the men will work on Saturdays as well as on other days of the week.

POLLING HOURS.

Mr. FRANK WALSH—Has the Premier a reply to the matter of electoral polling hours which I raised during the Budget debate?

The Hon. T. PLAYFORD—I submitted this question to the Returning Officer for the State, who has forwarded me a long report which I ask leave to have incorporated in *Hansard* without being read.

Leave granted.

The report was as follows:—

The matter raised by Mr. Walsh, with the exception of the reference to electors who are conscientious objectors, is substantially the same as the question asked by him previously, to which a report was given on September 3, 1951. The reply on that occasion is given herewith together with a final paragraph dealing with conscientious objectors.

(*a*) Generally speaking, ballot-papers posted by returning officers on the night of the poll, are not received by electors concerned in time to vote, therefore the closing of applications at 6 p.m. on Thursday instead of 6 p.m. on Friday before polling day, would not result in any appreciable decrease in voting. Returning officers would then be free on the last day to give necessary attention to last minute arrangements. An amendment of the

Commonwealth Electoral Act in 1949 makes provision for personal applications to be made to any *divisional returning officer* for a postal vote certificate and ballot-paper up to the close of the poll on polling day. (Note.—This provision is for interstate voters only.) The returning officers in this State are part-time officials only and for this reason any extention of the postal voting facilities would be difficult and cannot be recommended.

(*b*) A similar question was asked in November, 1948, and the following report submitted:—There does not appear to be any reason why polling hours in this State should not be altered to close at 6 p.m. instead of 8 p.m., except that in view of compulsory voting provisions of the Electoral Act, it would be inadvisable to make a change unless the Commonwealth authorities also adopted the same hours. It is considered that with the revised hours as suggested above, there would still be ample time for electors to vote, particularly in view of the fact that Saturday work in industry is very largely diminished. Recently the Commonwealth administration in Canberra was approached in connection with closing booths at 6 p.m. and a reply was given to the effect that it was considered that the States should in the first instance inaugurate the shorter hours. The earlier closing of the polling would ensure the results of the ordinary voting in all metropolitan and most country districts would be known on polling night. I would, therefore, suggest for consideration that both (*a*) and (*b*) be adopted, and any genuine misunderstanding by electors upon the hours of polling at the next general elections would be sympathetically received by the department when enforcing compulsory voting.

Regarding conscientious objectors.—There is nothing to preclude any such objectors advising the returning officer of the reason for refraining to vote at any time from nomination day until the issue of the notice to non-voters. It is not practicable for a list of such objectors to be maintained by any returning officer, owing to change of address, death, etc.

ADELAIDE-WOOMERA RAIL SERVICE.

Mr. RICHES—At present the Commonwealth railways runs a very fast and comfortable Budd railcar service to Woomera on three days of the week, but it does not connect with any of the fast South Australian railway services operating between Adelaide and Port Pirie, which complete the journey in less than three hours compared with the 4½ hours taken by slower trains. Can the Minister of Railways take steps to see that rail travellers to Woomera are able to travel at least once a week on a fast Adelaide-Pirie train connecting with the railcar to Woomera?

The Hon. M. McINTOSH—I do not know the circumstances, which may not permit the connecting of the two fast services, but I point out there are probably few fast services in the State which can compare with that provided for Port Pirie. If at present we are lagging behind the service provided by the Commonwealth that is extraordinary, and I will see what arrangements can be made.

RAILWAY PROMOTIONS.

Mr. QUIRKE—During the Budget debate I referred to a porter in the South Australian Railways who qualified as a chartered accountant and approached the department for advancement to a position more commensurate with his qualifications. However, he received rather scant recognition. I mentioned that the Railways Commissioner promised me two months ago that he would interview this man, but this morning I was informed that the porter has resigned from the service. What opportunities for advancement are there in the railways for men who qualify for higher positions? Must they be content with the ordinary slow progress, or resign to better their position?

The Hon. M. McINTOSH—The policy dictated by Parliament for many years has been that seniority is a major factor in promotions; in fact, it is so important that there are such things as appeals against appointments and dismissals. All sorts of conditions govern whether a man can be lifted from one position into a higher grade; one of the most important is that of preference to returned soldiers. Promotions cannot be made haphazardly, and one man connot be promoted from porter into a higher classification without automatically displacing another, or overriding his claim for promotion. The honourable member did not follow the matter further by given the name of the porter or the circumstances. If he does I will inquire into the case. The Railways Commissioner is a busy man, and surely if an employee is seeking promotion it is his job to advance himself as a result of his own attainments rather than by political pressure.

Mr. Quirke—He took steps himself before approaching me.

The Hon. M. McINTOSH—Parliament has placed the matter of promotions within the railways in the hands of the Commissioner and the use of political pressure is looked upon with abhorrence.

Mr. Quirke—I only sought an interview with the Railways Commissioner, but he did not give it.

The Hon. M. McINTOSH—I am even now considering suggestions from members opposite that we should have a further conference in regard to appeals against promotions on the grounds of seniority. At present preference is given to returned soldiers, and no man is appointed to a position within the service from outside unless there is no-one within the service competent to fill the position. The Commissioner must give preference to those who have worked up to the position of qualifying for preferment.

WAIKERIE FERRY CAUSEWAY.

Mr. MACGILLIVRAY—Has the Minister of Local Government anything further to report on the question I asked yesterday about the erection of signs at both ends of the causeway leading to the Waikerie ferry?

The Hon. M. McINTOSH—Yes, the Commissioner of Highways has been in touch with the local council which, as I said yesterday, is in control of that section of the road. The council's reply was that it should be obvious to any intelligent person that it was a one-way track. In order to accentuate the obvious the council has now put up signs at each end of the causeway.

BASIC WAGE ADJUSTMENT.

Mr. LAWN—From July to October the New Sales Wales Government pegged prices, whereas increases were permitted in other States. The November basic wage adjustment for New South Wales was the highest in Australia, being 14s., whereas in South Australia it was 11s. I understand the Prime Minister explained this discrepancy by saying that the Commonwealth Statistician considers the actual prices ruling and not the official prices. Further, in South Australia, particularly in Semaphore, potatoes have been selling at 1s. lb. and at 10d. in other suburbs. Why was there an increase of only 11s. in the basic wage in South Australia, where prices were permitted to increase? Does the Commonwealth Statistician consider only actual prices in South Australia and what price does he allow for potatoes?

The Hon. T. PLAYFORD—The Prices Department fixes prices and polices the matter to the best of its ability. If there is a complaint that someone is selling above the fixed price it is immediately investigated, and a prosecution is made if it is warranted by the evidence. The fixation of the basic wage is undertaken by the Commonwealth. It is provided for in the Commonwealth Arbitration Court Act and the Commonwealth Arbitration Court has an arrangement with the Commonwealth Statistician to get information upon which quarterly adjustments are made. I understand the adjustments are not made solely on the lawful prices fixed by the Prices Commissioner, but consideration is also given to black market prices. Whether that is good policy I leave to the honourable member to decide. That is why, in a period when there was a complete pegging of prices in New South Wales, the basic wage rose higher in that State than in other States where there had been adjustments in prices in the same period. I have no knowledge of the methods used by the Commonwealth Arbitration Court or Statistician to get information on prices. I do not know what items are included in the survey, from where the information is gathered, and upon what grounds it is gathered.

PERSONAL EXPLANATION: RAILWAY PROMOTIONS.

Mr. QUIRKE—I ask leave to make a personal explanation.

Leave granted.

Mr. QUIRKE—When replying to my question regarding an employee of the South Australian Railways the Minister of Railways made great play upon the use of political pressure in the interests of a railway employee. I wish to repudiate any suggestion of that. I telephoned the Railways Commissioner with a simple request for him to see the employee and he promised to do so. Because he did not redeem that promise I took this action today.

PRIVATE MEMBERS' BUSINESS.

The Hon. T. PLAYFORD (Premier and Treasurer) moved—

That for the remainder of the session Government business take precedence over all other business except questions.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL.

In Committee.

(Continued from November 7. Page 1165.)

Clause 21—"Mode of making right turns."

Mr. HAWKER—I move:—

To delete from paragraph (*b*) "paragraph (*d*) of subsection (1) of" and to delete "have effect notwithstanding anything contained in" and to insert in lieu thereof "not affect any duty imposed on any person by"

This will make the new subsection (5) read:—

This section shall not affect any duty imposed on any person by section 131 of this Act.

When two vehicles approach an intersection section 131 allows the one coming from the right to have the right-of-way. This practice has been recognized by motorists for some time. If the Government's amendment is accepted, the motorist on the righthand side would know what he himself was going to do, but the motorist on the left would have no idea of what the motorist on the right was going to do, because he could not see any hand signal indicating an intention to turn. Under the clause, on a main country road a driver might assume that a man coming from a by-lane on his right was going to turn onto the main road and therefore he would not give him the right-of-way, but he might intend to cross the road, and the man already on the main road would not therefore have the right-of-way. That means that the motorist on the left does not know the intention of the motorist on the right. I see no object in changing the present accepted practice and my amendment simply strengthens the present rule.

Mr. SHANNON—I know of no rule in our traffic code which has been a greater preventive of accidents than that of giving way to the vehicle on the right. A driver who has not been quite so courteous or patient as he should have been may use the clause as it now stands as an excuse in court by saying that he did not know that the driver on his right was going to cross the road and not turn into it. That could easily put the court into some difficulty in deciding what the offender really expected the other vehicle to do. It could lead to more accidents. In a wide road it is customary for the person turning to the right to pull over to the centre of the road before turning, but that cannot be done on narrow roads. It would be difficult in such cases for the person driving a vehicle towards an intersection who had a vehicle about to turn on his right to see the signal that that driver intended to turn. The signal must be given from the right-hand side of the vehicle, because that is the law. We would be unwise to change the rule which has given the right-of-way to the vehicle on the right for many years.

On our two main double-track highways, Port Road and Anzac Highway, it seems to me that a simple rule which would work towards the safety of all road users could be devised so as to make it imperative for anybody entering one of the tracks to see that he can do so freely without obstructing any vehicles already on it. There are a few other double-track roads in the suburbs, such as Osmond Terrace, but the amount of traffic along that road would not interfere with that along Norwood Parade or Kensington Road.

The Hon. S. W. Jeffries—There are "Stop" signs there.

Mr. SHANNON—Yes. As a general rule I am opposed to any change in the provision which gives the right-of-way to the man on the right. In driving to the city from any suburb this side of Glenelg and east of Anzac Highway, it is necessary to drive a few yards towards Glenelg on the down track of the highway, turn right and enter the up track. In doing this a driver must cross from one stream of traffic into another, and it appears to me that the safety onus in such a manoeuvre should be placed on the driver who desires to turn. If I were that driver I would make quite certain that the track was clear before turning. I always make certain I have ample time to get across to the inner track in order to make my short right-hand turn without interfering with other motorists. The same procedure should be adopted when driving from a crossover into the main stream of traffic. On entering the Anzac Highway from a crossover one should make certain that the road is clear before turning. We should put the onus on people entering a one-way track to take all precautions. I agree with the State Traffic Committee that the right-of-way rule should be disregarded by traffic entering a one-way lane so that road users on the main highway will not be interfered with. Because of the peculair features of the Anzac Highway and the Port Road it would be wise to enact such a rule. A motorist on the Port Road on the down track wishing to return to Adelaide when near Woodville might take the short right-hand turn into Woodville Road and then have to enter the Port Road on the up track. He would make the same manoeuvre as would be required at any crossover on that road. The same rule should apply to this man, and he should make certain that the road was clear before entering it. This would be more readily understood by the public than the method suggested in the Bill. I shall therefore support Mr. Hawker's amendment and I suggest that the member for Glenelg, as chairman of the State Traffic Committee, should confer with the Parliamentary Draftsman with a view to framing a rule to cover the Anzac Highway and the Port Road.

Mr. FRED WALSH—I endorse Mr. Shannon's suggestion that the member for Glenelg should confer with the Parliamentary Draftsman in regard to these two roads. The Anzac Highway sets the greater problem because there is a wide plantation dividing the Port Road. Further, there are "Stop" signs at the major intersections of the latter highway. The volume of traffic on the Anzac Highway sets up different circumstances than are to be found on other two-way roads in the metropolitan area. On race days there is a constant stream of traffic going to and from the Morphettville racecourse, and anyone attempting to assert his right-of-way by sweeping into the traffic may cause an accident. We should exercise common sense when drafting laws. I believe the traffic lanes on the Anzac Highway have not been correctly spaced. There is no need for the narrow lane on the kerb side as it is rarely used for parking. The lanes should be more evenly spaced in order to create a freer flow of traffic. Even if a car were parked at the kerb a motorist travelling slowly would have to move out very slightly to miss it and would not interfere much with traffic in the second and third lanes. Road users travelling slowly in the fast lanes are a menace to others.

The position at the crossovers could be dealt with without altering the law by placing "Stop" signs there. Motorists could not then go into the stream of traffic until the road was clear. I think that before long traffic lights will have to be installed at the South Road and Marion Road intersections with the Anzac Highway. I would prefer a bracket of lights suspended over the middle of the intersection, such as are to be found in the United States of America, rather than lights on each corner. Motorists can see them from considerable distances and adjust their speed accordingly. "Stop" signs at these intersections delay motorists from proceeding from the Marion or South Roads if there is heavy traffic on the Anzac Highway. Traffic lights would restore to motorists their rights at these intersections. Traffic constables should again be placed at them on race days until lights are erected. When policemen are on duty there there is no real congestion.

Mr. HAWKER—My amendment has nothing to do with cross-overs, which are dealt with in clause 24.

The Hon. C. S. HINCKS—The Parliamentary Draftsman reports on the amendment as follows:—

The object of this amendment is to alter the rule proposed in the Bill as to the duties of drivers of vehicles at intersections. It deals with the case where a vehicle is about to turn to the right at an intersection and another vehicle is approaching the intersection from the left of that vehicle. Under section 127a of the principal Act the vehicle which is about to turn to the right must, if there is any other vehicle in or near the intersection with which it might collide, wait until the turn can be made with safety. Under section 131 of the principal Act the vehicle on the left of the turning vehicle must, if there is any possibility of a collision, give the turning vehicle the right of way. It has been thought by some people that there is a conflict between these two provisions in the sense that a situation might arise in which both vehicles would stop and neither would know which had the right to move off first or the duty to keep out of the way of the other. The Crown Solicitor, however, gave an opinion that the duty of the turning vehicle to give the right of way was paramount. The proposal in clause 21 was to insert certain words which would confirm this opinion so that the driver of a vehicle turning to the right would have to wait until the turn could be made with safety, and would not have the right of way as against traffic coming from the left. This proposal was recommended by the Traffic Committee. One merit of it is that it is in accordance with the usual conduct of motorists. People turning to the left tend naturally to wait until the intersection of the approaching roads are sufficiently clear to enable the turn to be made with safety and usually do not expect to get the right of way as against traffic on the left.

Furthermore, a person turning to the right is by the other provisions of the Act required to wait until the road is sufficiently clear of traffic approaching him from the front or from the right. It makes the duty of the turning vehicle simpler, therefore, if he has to give the right of way to traffic on the left also. The amendment is for the purpose of retaining for a vehicle turning to the right, the right of way as against traffic coming in from the left. Of course, there are some arguments in favour of this proposal and it has the support of the Royal Automobile Association. The main argument in support is that it avoids the creation of exceptions to the general rule that a vehicle on the right of another has the right of way and thus tends towards simplicity of traffic laws. It is also said in favour of the amendment that a driver approaching an intersection from the left may have difficulty in distinguishing between vehicles proceeding straight through the intersection to whom he has to give the right-of-way, and vehicles which intend to turn to the right at the intersection and would, under the Bill as drafted, have no right of way as against vehicles on the left. It can be admitted that there is some force in this argument, but it is not a very serious objection to the proposal in the Bill. Generally speaking, it is fairly obvious when a man intends to turn to the right, particularly if he moves over

towards the centre of the road and gives the proper signal. The truth about this particular controversy is that either the rule proposed by the Government or that proposed by Mr. Hawker would work satisfactorily once the public became accustomed to it. The most important thing is that the public should know what the rule is. The State Traffic Committee, however, came to the conclusion that the balance of advantage was in favour of the rule proposed in the Bill which has, in practice, been usually observed by the public for some time. I therefore think that the Bill should be adhered to on this point.

I oppose the amendment.

Mr. HAWKER—The Crown Solicitor has given a fair dissertation on the respective merits of the two methods, but he says either will work satisfactorily when the public knows which one is in vogue. I feel that the one which has been in vogue for some time should be retained. The Commonwealth Uniform Traffic Code Committee favours the law as it stands.

Amendment carried; clause as amended passed.

Clauses 22 and 23 passed.

Clause 24—"Right-of-way at cross-overs on double roads."

Mr. FRANK WALSH—Can the Minister say whether subsection (1) of new section 131a means that a motorist on Anzac Highway wanting to make a righthand turn into a cross-over must give way to all traffic on his right, and then also give way to traffic on his right when he turns into the other carriageway?

Clause passed.

Clause 25 passed.

Clause 26—"Unsafe vehicles."

Mr. FRANK WALSH—In the second reading debate I suggested that when a person sells a motor vehicle he should possess a certificate to the effect that the vehicle is road-worthy. Within the last two months I was told of a motor vehicle being purchased from a trader in such a condition that when it got on to the road it almost fell to pieces. It was probably of the 1921 vintage. Before such types of vehicle are purchased there should be some means of ascertaining whether or not they are road-worthy. Price control on the sale of used motor cars was lifted because, the Government said, it was unnecessary as people who desired to pay too much for a used car should be able to do so. However, these purchasers should be protected. Will an intending purchaser have the right to go to the police and ask that an inspection be made as to the road worthiness of the vehicle? Would cars of the early twenties vintage be roadworthy under this legislation?

The Hon. C. S. HINCKS—I take it that the honourable member is concerned with the protection of private purchasers, because at present motor vehicles for the transport of passengers are tested as to their road worthiness before licences are issued. To carry out the inspections of all used motor cars changing hands an army of inspectors would have to be employed, and it would be impossible to find them today. I do not think such a service is necessary, because most purchasers take the precaution of having a vehicle inspected before acquiring it. Satisfactory inspections are made by reputable firms and by the Royal Automobile Association for a nominal fee.

Mr. RICHES—Proposed subsection (2) states that the Commissioner of Police, Registrar, or any person authorized by either of them may direct any person having possession or control of a vehicle suspected of being unsafe for use on roads to produce it for inspection at a place specified by the Commissioner, Registrar, or authorized person. Can the Minister clarify the term "authorized person," the person with delegated authority to make such a request? As in outback areas a trip made in compliance with such a request could cause the owner loss of time and much expense, can the Minister say whether he will be reimbursed if the suspicion that the vehicle is unsafe for use on roads proves unfounded? I do not know how police officers would get their information in order to call for a vehicle to be examined. People should be compensated if their vehicles are found to be roadworthy.

The Hon. M. McINTOSH—The honourable member's suggestion is not practicable. No vehicle would be called up unless it was out of order in the first place. In the meantime the owner might have it made roadworthy and the costs referred to by the honourable member would have to be met by the public. I see no reason to believe that this provision will not be exercised with discretion. The honourable member does not represent the only district with great distances. In some parts of my district there are no policemen for 70 miles, so my constituents would be in the same position as the honourable member's. The object of the provision is to ensure the safety of the public, so surely the public

should not be asked to pay for the measures necessary for this purpose. If motorists keep their cars in order they will not be called up for examination. The honourable member is taking an extreme view.

Mr. Pattinson—All other States have similar provisions.

The Hon. M. McINTOSH—And I have not heard of any abuse.

Clause passed.

New clause 5a—"Concessions to incapacitated ex-servicemen."

Mr. RICHES—I move the following new clause:—

5a. Section 10b of the principal Act is amended—

(*a*) by inserting after the word "foot" in the fourth line of paragraph (*b*) of subsection (1) the words "or receives a pension under the Australian Soldiers Repatriation Act, 1920-1949, at the rate for total incapacity";

(*b*) by striking out "1943" in the sixth line of the said paragraph (*b*) and inserting in lieu thereof "1949."

In 1947 the Act was amended to allow vehicles to be registered at 50 per cent of the usual fee if owned and used by ex-servicemen who, as a result of war service, were totally and permanently incapacitated. Some ex-servicemen have been classified as totally and temporarily incapacitated, and may remain so for some years. They are in receipt of the same pension as the totally and permanently incapacitated men and need assistance and transport as much as they do. My amendment merely seeks to extend the concession provided by section 10b to those temporarily incapacitated. I have made representations to the Registrar of Motor Vehicles on behalf of these men, but without success. It will be noted that my amendment will apply only to ex-servicemen receiving a pension under the Repatriation Act at the rate for total incapacity. This should be a sufficient safeguard, and I do not think the Government would be embarrassed by accepting the provision.

The Hon. M. McINTOSH—The amendment was referred to the Registrar of Motor Vehicles, who reports:—

Acceptance of the proposed amendment would considerably enlarge the number of ex-servicemen entitled to register their motor cars for half the ordinary fee. Many ex-servicemen whose powers of locomotion are not appreciably affected receive a pension at the rate for total incapacity. A person does not have to be totally incapacitated to receive what is spoken of as "the full pension." An ex-serviceman who has at any time suffered from tuberculosis due to war service receives the full pension, and will continue to receive the full pension for the remainder of his life, notwithstanding that the disease may be completely arrested. Some medical practitioners in the high income group who served as medical officers in the services in war time, and who have tubercular scars receive and will continue to receive the full pension for the remainder of their lives, although the disease has been arrested.

It can be seen that ex-servicemen no longer suffering any disability would be entitled to receive the full benefits of section 10b after the complaint they originally suffered from had been cured. Even those in the high-income group would benefit. The Registrar's report continues:—

Medical practitioners usually own at least two motor cars. Ex-servicemen suffering from heart trouble due to war service usually receive the full pension. It must not be thought that ex-servicemen who receive the full pension are totally incapacitated. Men classed as totally and permanently incapacitated by the Repatriation Department receive a special pension considerably in excess of that received by those classified as 100 per cent incapacitated. If the Government accepts the amendment and allows the concession to those whose powers of locomotion are not appreciably affected, the men who lost an arm on active service will feel that they, too, have a good claim to the concession. A man who lost an arm receives 75 per cent of the pension for total incapacity. The Deputy Commissioner of Repatriation has informed me that 1,064 ex-servicemen at the present time receive a pension at the rate for total incapacity. That number does not include those classified as totally and permanently incapacitated who receive a special pension in excess of the rate for total incapacity.

The honourable member's amendment in removing, as he thinks, one anomaly would create another, and he would make provision for those in the high-income group to get the benefit of half fees, even after the disabilitiy had ceased.

Mr. MACGILLIVRAY—The report of the Registrar of Motor Vehicles could easily mislead the Committee. He raised the question of the tubercular soldier and the Committee might think that because such a person gets certain benefits as a pensioner those benefits would be received by all other pensioners. The fact is that the tubercular soldier is in a class by himself. He, and his widow on his death, get unique benefits, although I do not see why he should get greater consideration than an ex-serviceman suffering from cancer. We will be in an unsatisfactory position if we accept the Commonwealth Government's proposals in regard to war pensions. The Minister stated that if the Committee accepts the amendment it will enlarge the number of

ex-servicemen entitled to benefits under section 10b, but that is not a sound reason for opposing the amendment. If we extend the benefits and assist those who have done so much for the nation there will be little effect on the State's finances and none on the inflationary spiral. Most of the men concerned in this matter receive moderate incomes and the small concession granted under the amendment would be a help to them.

Mr. RICHES—I am surprised at the reply given by the Minister. Ex-servicemen suffering from tuberculosis and regarded as totally and permanently incapacitated get a pension for the rest of their lives. They are already covered because the provision says that any motor vehicle can be registered for 50 per cent of the ordinary fee when the vehicle is owned and used by an ex-serviceman who, as a result of war service, is totally and permanently incapacitated.

The Hon. T. Playford—All ex-servicemen suffering from tuberculosis are not regarded as totally and permanently incapacitated, because it cannot always be sustained. If a man were totally and permanently incapacitated he would be covered by the provision, but in some instances no incapacity is suffered at all.

Mr. RICHES—The Minister of Works said that all ex-servicemen suffering from tuberculosis would be entitled to the concession. My point is that they are already entitled to it. Each tubercular case is not regarded as totally and permanently incapacitated until the Repatriation Commission certifies that that is the position. My amendment refers to persons who are only temporarily totally incapacitated. I have in mind a man who will be totally incapacitated for some years, but because the doctors think he may recover in say, five or six years, they issue a certificate that he is totally and permanently incapacitated. I want that man to get the concession during his period of incapacity. When he recovered the concession would cease.

The Hon. T. PLAYFORD—The Minister of Works did not have the opportunity to discuss this matter of policy with me and he purposely refrained from setting out the views of the Government. There are one or two difficulties associated with the amendment. Originally the concession was given when a returned soldier suffered an incapacity which prevented him from moving freely when walking and necessitated his having motor transport. A number of men owning several motor cars and working full-time in the city, would under the amendment be able to get the concession, to which they should not be entitled. There are other cases where, under the amendment, the concession should be granted. In all about 1,000 cases are covered by the amendment. I propose to accept it, but if I find that as drawn it may be subject to abuse it will be placed before Parliament again for further consideration.

New clause inserted.

Title passed. Bill read a third time and passed.

INDUSTRIAL CODE ACT AMENDMENT BILL (No. 3).

Adjourned debate on second reading.

(Continued from October 10. Page 876.)

Mr. FRED WALSH (Thebarton)—The Bill enables industrial boards to fix wages up to £20 a week instead of the present limit of £15. The Premier said that in view of the increases which had taken place and those which are to be expected in the near future, it was clear that the present limit of £15 was too low. I think all members will agree with that. The figure has been considered too low for some time. One only has to consider some awards now operating. For instance, under the Bicycle Makers determination the rate is £13 10s. a week, and in another industry the rate is fixed at £14 7s. a week. That gives some idea of the rising rates being given under State awards. The Treasurer quoted a recent case of a determination fixing a rate of more than £15, the legality of which was questioned. Even the amount of £20 provided for under the Bill may be too low in a year or two because of increasing costs, and it may be necessary to provide for a limit of £25. When the present maximum of £15 was fixed in 1948, the basic wage was £5 17s. a week, whereas today it is £9 15s. If there are similar increases in the next three years the amount will have to be adjusted again.

The State Industrial Code has many features to commend it, but the Labor Party claims that certain sections of it should be altered to streamline it. With a few adjustments the position could be improved with advantage to all parties concerned, including some Government departments. Despite arguments adduced by either the representatives of employers or employees, it is sometimes found that the chairman of a wages board is guided by decisions of the President of the Industrial Court. Very few chairmen are prepared to depart from something laid down by the court.

Conciliation is non-existent when chairmen follow that line. I have had experience of arguments being submitted by representatives of both sides and the chairman saying, "I must to some extent be guided by what has been laid down by the court as a precedent." That is unfortunate. Wages boards are free to determine certain issues, subject to appeal to the Industrial Court, but because of the attitude of some chairmen on this question there is much discontent among both employers and employees. I am inclined to the opinion that on the question of appeals against decisions of wages boards we should adopt the practice set up under the Commonwealth Conciliation and Arbitration Act of appointing conciliation commissioners. This has been satisfactory to all parties concerned. There is no appeal against their decisions except on questions of hours of labour and such things as leave of absence. If Parliament were to specify questions on which appeals could be made against decisions of a wages board, it would be better from the point of view of conciliation.

As regards the present trouble in the wine industry, I believe that if the decision of the wages board had been accepted by employers the unhappy dispute would not have occurred. The men have said that they are prepared to abide by the decision of that board whether it is for or against them. The matter should be referred to that board, which is the proper legal authority to deal with the question of wages and conditions of employees in the industry in the metropolitan area. However, employers are, unfortunately, not prepared to abide by that. They have a decision of the court as a precedent to guide them. In effect they have a double-barrelled gun, whereas the employees have only a single-barrelled gun. A matter cannot be referred to the Industrial Court until the wages board makes its determination and an appeal can be made against that determination by either party. The only questions on which an appeal should be made to the court are hours and such things as annual leave, and not the question of general wages and conditions. Generally, the chairmen of wages boards are competent people, able to arrive at a proper decision. I believe that if such a system as I have suggested were followed, under which greater consideration was given to conciliation rather than to arbitration, there would be far more satisfaction in industry. I can speak with about 26 years' experience of wages boards.

An appeal against a wages board determination is in effect an appeal to the President or Deputy President of the Industrial Court. Victoria has an appeals court constituted of a judge who has had experience in industrial matters and a representative nominated by employers and one nominated by employees. When appeals from wages board decisions come before that body, it is in a position to give a sound judgment, which is generally regarded with respect and accepted. If such a system were introduced in South Australia it would be an improvement, although I like our wages board system and believe in the parties getting together when involved in a dispute. Provision is made for one person on either side not engaged in the industry to be on the board, the other members being engaged in the industry concerned. No-one is more competent to deal with the everyday matters of an industry than the wages board associated with it, free from all legal technicalities and legal influence. It is true that some chairmen of wages boards have legal experience. That is all to the good, because they can assist in drafting the clauses of the determinations. I support the second reading.

Bill read a second time and taken through its remaining stages.

WRONGS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 4.49 p.m. the House adjourned until Tuesday, November 13, at 2 p.m.