

**HOUSE OF ASSEMBLY.**

Thursday, November 15, 1951.

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

**APPROPRIATION ACT No. 2.**

His Excellency the Governor, by message, intimated his assent to the Act.

**COAL SUPPLIES.**

Mr. O'HALLORAN—Under the heading "Premier to discuss Coal Supply" in this morning's *Advertiser* appears the following:—

"I have asked the Prime Minister if he is prepared to discuss with me a proposal that New South Wales coal be loaded on ships in Sydney instead of at Newcastle," Mr. Playford said last night. "That seems an extraordinary proposal, because the cost of transport would rise to about £8 5s. a ton—an increase of about £4 a ton, and representing an extra cost to South Australia of about £800,000 a year. Some discussion seems necessary."

Can the Premier say whether this proposal emanated from the New South Wales Government or from the Commonwealth Government? If the latter, does the Premier know whether the Commonwealth is prepared to grant any financial assistance to meet the cost of the transport of this coal by rail to Sydney as against loading it direct to ships at Newcastle, where most of it is produced?

The Hon. T. PLAYFORD—I am not fully acquainted with the history of this project, but am of opinion that the project was first mooted by the Joint Coal Board in an attempt to secure additional coal to help tide this State over the Christmas period. I understand there was the possibility of coal being landed at Sydney at no additional cost to South Australia provided one of the Commonwealth departments, which has a large quantity of surplus machinery, could make available an area of land at the wharves for loading purposes. The proposal as it came to me was a request from the Joint Coal Board that we should approve of the loading at Sydney for a period of six months and stand the additional cost. That was the first time there was any concrete proposal. The board stated that it wanted an immediate answer, as arrangements would have to be made. I sent a telegram stating that the cost was too high and that I would apply to the Commonwealth Government for a subsidy, but if the board could arrange for two shipments to help tide us over the Christmas period we would be prepared to

take those shipments provided a Commonwealth Government subsidy was obtainable. The Coal Board replied that it could not make any arrangements for such a small project as two shipments, and if the programme was to be commenced it would have to be upon a six months' basis. I applied to the Commonwealth Government for a subsidy, but it was refused. We are now in the very invidious position of being short of coal for Christmas and being offered coal at an exorbitant price to meet the Christmas requirements. If we take that coal we will be committed to take this dear coal for six months. Unfortunately, the facts do not end there. We have an arrangement for overseas coal to be supplied to this State at the average cost of New South Wales coal, so the expensive coal coming in from New South Wales would immediately weight the cost of the imported coal also, so it would be a most serious matter to the State. It would increase the cost of our power and fuel to an exorbitant extent, and an extent which is entirely unwarranted. According to the arrangement with the Joint Coal Board, South Australia is entitled to receive 7.96 per cent of New South Wales production. That has been the quota for many years, and is in accordance with the practice established long before the Joint Coal Board was established. If we can only get our coal by paying this exorbitant price it will be a grave injustice to this State. I hope that when the Prime Minister has the issues placed before him on Monday some appropriate action will be taken.

**STOCK FEED PRICES.**

Mr. HEASLIP—Has the Minister of Agriculture any further information regarding any conference which has been arranged to discuss the price of wheat for stock feed, and can he say who will represent the State at such a conference?

The Hon. Sir GEORGE JENKINS—Yesterday evening I received a telegram which had been delayed about 24 hours in transit, inviting me to attend a conference at Canberra next Monday to discuss this question. At that conference the State will be represented by the Premier.

**STATE SCHOOLBOYS' FOOTBALL TEAM.**

Mr. HUTCHENS—According to reports, boys attending secondary schools in other States are eligible for selection in their State teams competing in interstate schoolboys'

football carnivals, but it appears that in this State boys attending secondary schools, many of them sufficiently ambitious and energetic to have gained promotion to these schools at an early age, are prohibited from the privilege of selection in the State team. Will the Minister of Works take up the matter with the Minister of Education with a view to seeing whether it would be possible to grant boys in secondary schools the right of selection so that they may compete in these carnivals?

The Hon. M. McINTOSH—As I understand the question it would seem that South Australia is rather prejudiced by the fact that we have some bright boys of relatively tender years attending secondary schools. I will take up the matter with the Minister of Education.

#### HAILSTORM DAMAGE.

Mr. TEUSNER—On October 30 I drew the attention of the Minister of Agriculture to the severe hailstorm damage suffered by certain horticulturists and viticulturists in my electorate and suggested that he have a survey made of the damage, and also place the matter before Cabinet with a view to obtaining financial assistance for producers who had suffered damage. Has he a reply on this matter?

The Hon. Sir GEORGE JENKINS—Following on the honourable member's question I asked the Horticultural Branch to investigate the extent of the hailstorm damage. It appears that not only were vineyards affected but also orchards in some areas. It was reported to me that it would be extremely difficult to assess the damage at this time because where fruit in the early growing stages, as this is, was pock-marked by hail it would be impossible to say what the extent of the damage is when it was harvested, because all sorts of things might intervene between now and then. In addition to the damage indicated, I have received reports from various parts of the State of considerable damage to cereal crops, including barley, oats, and wheat, by storm, which is also an act of God. Those people would be as much entitled to ask for Government assistance as those suffering from hailstorm damage. In those circumstances the Government does not feel itself called upon to pay damages for what is actually an act of God and might reasonably be taken as a business risk by those engaged in horticulture and agriculture.

#### S.A. REFRACTORIES LTD.

Mr. McALEES—Has the Premier a report on the matter I raised several weeks ago as to when the company taking over the grain distillery at Wallaroo would begin operations?

The Hon. T. PLAYFORD—Following on the honourable member's question I asked the director of that company representing the Treasurer to submit a report, and he reports as follows:—

As the honourable the Treasurer's representative on the Board of Directors of S.A. Refractories Ltd. I have attended regular meetings of the company, and on Friday last, October 26, all directors visited the factory at Wallaroo to view the progress made. The company is pushing on with its preparations to commence firebrick manufacture. All the plant necessary to commence operations has either been installed or will arrive within a few weeks. The company's ceramist has been engaged in the laboratory at Wallaroo on testing clays from a large number of deposits in this State and on making sample refractories from various mixtures. The pilot kiln is partially completed and it is hoped that this kiln will be in production by Christmas. Construction of the main kiln will commence early in the new year. Progress has, from time to time, been impeded by shortages of essential materials, but these, in the main, have been overcome and the company is little, if at all, behind in its schedule.

#### KINGSTON FERRY.

Mr. STOTT—Yesterday the people at Kingston and across the river made an inspection of the main Kingston-Barmera road and it appears that the river has dropped six inches in the last couple of days, making the road now practically usable for travelling. Unfortunately the Kingston punt has been removed to Morgan, and there is now no punt to take people across the river there on the main interstate highway. Will the Minister of Works take up with the Highways Commissioner the question of having the punt put back at Kingston?

The Hon. M. McINTOSH—Yes.

#### SALE OF HOUSING TRUST HOMES.

Mr. MOIR—Can the Premier say whether the Housing Trust pre-fabricated homes that have been built at Firlie and Hectorville have been sold by the trust and whether a serious loss was shown on that sale?

The Hon. T. PLAYFORD—I understand those houses have been sold and so far as I know no loss has been made on them, but I will check up on that point.

### TREATMENT OF POLIOMYELITIS PATIENTS.

Mr. QUIRKE—On Tuesday, in reply to my question regarding the treatment of poliomyelitis patients at the Northfield hospital, the Premier said:—

The investigation is proceeding. Some reports have been furnished to the Government, but I am awaiting others. When all the reports are available I will advise the honourable member.

I am not quite clear as to the meaning of that reply. I gave the names of people who are prepared to give sworn evidence, if necessary. Can the Premier say whether an inquiry is to be held and are those people to be called to submit evidence, as I requested in the first place?

The Hon. T. PLAYFORD—In the investigation that is taking place statements are being obtained from the persons cited by the honourable member as being concerned in this matter. They are being given an opportunity to state their case so that we may see just what their complaints are and check up as far as possible in this matter. I assure the honourable member that every action possible will be taken to clear up this matter and in due course I will inform him of the result.

### FIRE HAZARDS IN THE COUNTRY.

Mr. HEASLIP—I have received a number of letters from owners of property adjoining railway lines who are very concerned about the fire risk, which will be great during the coming summer. It has been suggested to me, that the South Australian Railways should put oil-burning locomotives on those lines to reduce the risk. I realize the railways have not sufficient oil burning locomotives to run on all those lines, but is it possible or practicable to use a greater proportion of fuel oil with the coal, and would that be safer than burning coal only?

The Hon. M. McINTOSH—I will go into the question with the Railways Commissioner but, as the honourable members says, there are not enough oil burners to go around. Each district thinks its risk is greater than that of others, and unless we used oil-burning locomotives everywhere some districts would regard the scheme as giving discrimination. Today, in fact, the fire risk in all districts is practically the same. As to whether a greater proportion of oil could be used, we had about 80 engines that could burn oil or coal or both together, but I point out there would be difficulty in

getting sufficient oil if we decided to burn oil in all of them. People would probably then clamour because they were not getting satisfactory freight and passenger services. The Railways Department is prepared to co-operate with district councils and owners of property adjoining railway lines to make the position as safe as possible by using oil or, as occasion requires, coal. I should be glad if the honourable member would facilitate discussions between district councils and the Railways Commissioner. I conferred with him on this matter today and he will send a competent officer, wherever councils make requests for this to be done, to discuss what further steps the railways can take with local government bodies to safeguard the position. That is a more objective approach than merely asking whether the department will run as many oil burners as possible. It will do that, but that will not be the complete answer to the problem.

### MOONTA BAY WATER SUPPLY.

Mr. McALEES—Some time ago I addressed a question to the Minister of Works about the Moonta Bay water supply. He promised he would see that tanks were provided. Moonta Bay is well on the map and people go there for holiday purposes from Broken Hill and many parts of the State. It has a beach second to none. Residents only ask for a pressure tank to be provided so that the water supply will be assured. This resort has all facilities, which have been provided by a local voluntary committee, except a water supply. If the township was situated near the city a request would only have to be made once, but everything has been dragged out of this district and nothing has been put in its place. Will the people at Moonta Bay be supplied with water?

The Hon. M. McINTOSH—The honourable member is usually very fair in his statements, but this statement is entirely unfair, unwarranted, and incorrect. One of his statements was a repetition of what the clerk of the district council said, namely, that it appeared that no matter what was requested for the district, it was put off while other districts were getting tanks for the asking. He said all that Moonta Bay wanted was water. It has the water but not a pressure tank. Earlier this year I said that the tank had been received, but because of the steel shortage the contractors had not been able to supply the 20ft. stand. The position is the same today, but let it not be understood for

a moment that the district is in a peculiar position in this respect. A report by the Engineer for Water Supply states:—

I would like to point out that Moonta Bay already has a supply and the new tank which is to be erected on a steel stand is to improve the supply. The tank itself has been available at Crystal Brook for some time and the difficulty so far as materials are concerned has been the steel stand on which the tank is to be erected. The materials for the stand were ordered a long time ago, but delivery could not be obtained and the district engineer was asked to try and use substitute materials. I would like to point out that the procurement of materials for constructing the stands for steel tanks has been exceedingly difficult and it has not only caused a delay for the Moonta Bay tank but also for all other steel tanks to be erected on stands. This applies to the schemes for Milang, Meningie, Port MacDonnell, and Lameroo, which have no water supplies and which were approved long before the Moonta Bay work. It is interesting to note that the tank at Moonta Bay was approved in February, 1950, whereas the schemes for Meningie, Milang, and Port MacDonnell were approved in July, 1947, and Lameroo in October, 1948.

There is no water supply at all in those towns, whereas at Moonta Bay they have water, but not a tank. I assure the honourable member that as soon as possible the tank will be erected, but just as the Israelites could not make bricks without straw we cannot make steel stands without steel.

#### JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Legislative Council intimated that it had appointed the Hon. S. C. Bevan to be one of the representatives of the Council on the Joint Committee on Subordinate Legislation in place of the Hon. A. A. Hoare.

#### LIBRARY COMMITTEE.

The Legislative Council intimated that it had appointed the Hon. K. E. J. Bardolph to fill the vacancy on its Library Committee caused by the death of the Hon. E. A. Oates.

#### PRINTING COMMITTEE.

The Legislative Council intimated that it had appointed the Hon. S. C. Bevan to fill the vacancy on its Printing Committee caused by the death of the Hon. E. A. Oates.

#### YOUNG MEN'S CHRISTIAN ASSOCIATION OF PORT PIRIE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

#### WILD DOGS ACT AMENDMENT BILL.

The Hon. C. S. HINCKS (Minister of Lands) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to amend the Wild Dogs Act, 1931-1948.

Motion carried. Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

#### SWINE COMPENSATION ACT AMENDMENT BILL (No. 2).

The Hon. Sir GEORGE JENKINS (Minister of Agriculture) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to amend the Swine Compensation Act, 1936-1951.

Motion carried. Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

#### MAREEBA BABIES HOSPITAL LEASE BILL.

Second reading.

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—The object of this Bill is to enable the Minister of Health to lease the Mareeba Babies Hospital to the Adelaide Children's Hospital. The circumstances which have lead to the introduction of the Bill are as follows:—The Medical Superintendent of the Adelaide Children's Hospital recently reported to the Government that about 35 per cent of the accommodation at the Adelaide Children's Hospital was being used for the convalescent treatment of children suffering from post-poliomyelitis paralysis. The result was that the hospital was not able to give to the remainder of the community the efficient treatment which was expected of it. The superintendent pointed out that the primary function of the Children's Hospital was the treatment of acutely sick or injured children. This function was seriously interfered with when such a large part of the hospital was given over to convalescing patients requiring treatment in hospital for periods of six to twelve months, or even longer. It was also pointed out that the number of poliomyelitis cases might increase in the future so that approximately half of the hospital would be occupied with them.

The Government has made full inquiries into this matter. Information supplied by the Hospitals Department indicated that there was no further accommodation available at the Northfield Wards. The Director-General of Medical Services, however, made a number of practical suggestions for relieving the position, one of the most important of which was that Mareeba Babies Hospital should be placed under the control of the Adelaide Children's Hospital. Mareeba has accommodation for 65 babies up to two years of age. The daily average number of in-patients during the last financial year was 32.45 and the highest daily average for any month was 39 in May. This means that there is vacant accommodation at Mareeba Babies Hospital, but under the present arrangements it is only available for babies up to two years of age. If, however, the hospital were controlled by the Children's Hospital the authorities of that hospital could apply its own rules governing admission and admit any child up to 12 years of age; and also they might decide that certain types of cases, in addition to poliomyelitis cases, could be sent to Mareeba, thus leaving more accommodation at the Adelaide Children's Hospital for other forms of treatment.

The suggestions of the Director-General of Medical Services were supported by the Advisory Committee on Health and Medical Services, and approved by the Government. It is therefore desired to make Mareeba Babies Hospital available to the Children's Hospital. For this purpose it is necessary that Parliament should empower the Minister to grant a lease of the premises, as he has no power to do this at present. The Bill, therefore, contains a general power for the Minister of Health to grant a lease of Mareeba and the right to use any equipment at Mareeba on terms and conditions to be agreed upon between the Minister and the authorities of the Children's Hospital. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

#### WRONGS ACT AMENDMENT BILL.

Second reading.

The Hon. M. McINTOSH (Albert—Minister of Works)—In introducing the Bill I draw attention to the fact that it has already received the approval of the Legislative Council. It deals with the subject of contributory negligence and proposes an important alteration in the law. It is primarily of interest to lawyers, and has no political significance. The rules

which it lays down are applied only when one person has wronged another by negligence or some other civil wrong and the question of who is to pay for the damage, and to what extent, is to be determined. Although the subject of contributory negligence has given rise to legal questions of considerable difficulty and complexity the general principle can be stated simply and briefly. By the common law of England a person who causes damage to another by negligence is guilty of a tort or wrong and, in general, liable to pay damages to the injured person. But if the injured person has contributed to his injury by his own negligence, or by want of proper care for his own safety, he is said to be guilty of contributory negligence and cannot recover damages from the other negligent party. He must bear the whole of his loss even though his fault was relatively small and that of the other party great. These rules of the common law were altered by statute in England in 1945, but they are still the law of South Australia. The rules applied by Courts of Admiralty in cases of contributory negligence differed from those of the common law. In these Courts the rule prior to 1911 was that if a collision resulted from the negligence of two parties the damage to both was added together and shared between them equally. The rule was altered somewhat by the Maritime Conventions Act of 1911. This Act provided that "where by the fault of two or more vessels, damage or loss is caused to one or more of those vessels, to their cargoes or freight or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault." A similar rule is contained in section 119 of the Supreme Court Act, 1935, of this State.

In recent years a strong body of judicial and legal opinion has grown up in favour of the idea of applying the admiralty rule in all cases. A good deal of dissatisfaction has been expressed with the "all or nothing" principle of the common law. The matter has become a much more important legal issue than ever before because of the increasing number of collisions between motor vehicles, and injuries to pedestrians caused by such vehicles. Judges have frequently expressed regret that they have no power to apportion damages in cases where both parties have been negligent, and that they are forced sometimes to deny damages to a party whose fault was only a relatively minor factor in causing the accident. In a recent case in our own Supreme

Court the Chief Justice sitting on an appeal from a local court said, "If it were permissible to approach this problem broadly, I should have no hesitation in apportioning the damages, but as the law stands the judgment of the court must be for all or nothing and it is impossible to avoid the fine distinctions to which Lord Porter refers . . . I regret the necessity for sending the case back for another trial, and I would suggest to the parties the desirability of composing their differences upon broad lines of justice, but, if nothing less than justice according to law will satisfy them I think that there must be a new trial." In 1937 Lord Maughan, then Lord Chancellor of Great Britain, referred the question of contributory negligence to the English Law Reform Committee under the chairmanship of Lord Wright. The Committee consisted of 15 legal men of the highest eminence, including members of the House of Lords, leading barristers, and jurists. This committee expressed the opinion that the rule of apportionment applicable in admiralty cases was much fairer than the common law rule and recommended that it should be generally adopted. The recommendation was carried into effect by the English Act entitled the Law Reform (Contributory Negligence) Act of 1945. Western Australia adopted the same principle in legislation passed in 1947. A Bill for the same purpose has recently been introduced in Victoria and the Statute Law Revision Committee of that Parliament recommended that it should be passed without delay. Some of the Canadian provinces have for a number of years had laws providing for the apportionment of damages which have been accepted as satisfactory.

The Law Society of South Australia, and the Australian Law Council, have for some time been urging that the Australian States generally should pass similar legislation. In 1950 the Law Council of Australia appointed a committee consisting of Professor G. W. Paton (Vice-Chancellor of the University of Melbourne), Mr. K. A. Ferguson, K.C., of the Sydney Bar, and Mr. D. B. Ross, K.C., of Adelaide, to consider the question of apportionment of damages and to prepare a standard Bill. This committee unanimously recommended that the English Act should be taken by the Australian States as the basis for legislation, with such modifications as were required to make it consistent with local statutes. Following this report the Government instructed the Parliamentary Draftsman to prepare a Bill. When it was drafted the Government employed Mr. Ross, K.C., to

peruse and advise on it and is indebted to him for valuable suggestions which have been incorporated in the Bill. The Crown Solicitor has also considered the Bill and expressed his approval of it. I think it may be said that few reforms of the general law have ever commanded such widespread approval as this one.

I turn now to the details of the Bill. The provisions for apportionment of damages are set out in clause 4, which inserts a new section 27a in the Wrongs Act. One of the first things I desire to make clear is that the Bill will not affect workmen's compensation. The definition of the word "damages" expressly excludes such compensation from the operation of the Bill so that negligence on the part of a workman will have no effect on the amount of compensation to which he may be entitled. The word "damages" however, does include money paid as a solatium under the Wrongs Act to the parent or spouse of a person killed as a result of negligence or a wrongful act. If, therefore, the death of the deceased was due partly to his own fault, the amount of the solatium may be proportionately reduced. Subsection (2) of the proposed section 27a makes it clear that where an employer is sued for the negligence or wrong of his servant, the principle of the Bill will apply as if the employer were personally guilty of the negligence or wrong.

Subsection (3) is the core of the Bill. It provides that where a person suffers damage as a result partly of his own fault and partly of the fault of any other person, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damage recoverable shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage. Subsections (4) and (5) deal with a rather subtle problem, which arises when damages which have to be reduced under the Bill are also subject to a statutory or contractual limit. An example will best indicate the problem. Let us assume that a carrier, under his contract with a passenger, is only liable up to £2,000 and that an accident occurs in which the passenger suffers £5,000 damages and is held responsible to the extent of 50 per cent. If the actual damages recoverable are worked out by applying the 50 per cent reduction to £5,000 and then further reducing them to the limit of the carrier's liability, the passenger will recover £2,000. If, however, the calculation is made another

possible way, the £5,000 can be reduced to £2,000 (the limit of the carrier's liability) and then the reduction of 50 per cent due to the passenger's negligence applied to the £2,000 so that the actual damages recoverable will be only £1,000. It is proposed in the Bill to declare that the first mode of calculation abovementioned is to be applied in all cases except where the amount of a solatium under the Wrongs Act is being computed. Solatium are purely statutory payments with a more or less arbitrary statutory limit and it would be inconsistent with the nature of these payments to allow the court to make an estimate as to what would be a proper amount of solatium if there were no limit. It is considered that the appropriate method is to fix first the amount of solatium having regard to the statutory limit and assuming that the deceased had not been negligent and then apply the reduction based on the deceased's negligence to the amount so fixed. Subsection (6) provides that in all cases where the plaintiff has been negligent and is entitled to reduced damages only, the court shall find and record the full damages which he would have recovered if he had not been negligent. It will, therefore, always be possible to ascertain from the judges' notes the percentage of reduction which the plaintiff has suffered. Subsection (7) is a consequential provision only to the effect that the rules under which joint wrongdoers are each responsible for a share of the loss caused by them will also apply where such wrongdoers are liable for reduced damages under the Bill.

Subsection (8) makes it clear that the principle of awarding reduced damages will apply where a person died of injuries which were partly due to his own fault and an action is subsequently brought by his executors or dependants. In such cases the claim of the executors or dependants will not wholly fail (as it does under present law) if the deceased is held guilty of contributory negligence, but they will be able to recover some part of their damages. Subsection (9) deals with cases where a person has a claim arising out of injury done to another person. For example, if a wife is injured by negligence, her husband may sue the person responsible for the wife's injury, for damages for the loss of her society and services. It is proposed that in such cases if the injury was contributed to by the fault of the wife or other person injured the damages recoverable by the husband or other person suing will be proportionately reduced. It has been held by the English courts that the English Act does not at present

provide for such a reduction. But it is obviously just that such a reduction should be granted in harmony with the general principle of the Bill which is that if a person is only a partial cause of the damage, he will only be held partially liable for it. Subsection (10) provides that where a party pleads that an action for damages in a case covered by section 27a is brought after the time fixed by the relevant statute of limitations, that statute shall also operate in favour of the other party so that no damages can be recovered by the person who pleads the statute.

Subsection (11) provides that if a case falling under section 27 is tried by a jury (which is still theoretically possible in this State although no civil cases have been tried with a jury for a good many years) the jury must find and record the total damages apart from any reduction, and also the extent of the reduction. The proposed section 27b provides that the new rules set out in section 27a will not apply in admiralty cases. In these cases, as I previously mentioned, apportionment of damages is already provided for in the Supreme Court Act. Section 27b also provides that the new provisions will not have retrospective effect. This completes the explanation of the proposed new rules as to apportionment of liability in cases of contributory negligence.

Clause 3 deals with a different matter, namely, contribution between two or more wrongdoers liable for the same damage. Originally, a wrongdoer who was sued for a wrong done jointly by himself and another had to pay the whole of the damage himself and could recover nothing from his fellow wrongdoer. By legislation of 1939 Parliament gave a joint wrongdoer who was held liable for damages the right to recover a share of them from any other joint wrongdoer liable for the same damages. The question has arisen several times in recent years whether insurance companies and nominal defendants who are made liable by the Road Traffic Act for damage caused by insured motorists, or unidentified drivers (commonly called "hit and run" motorists) are entitled to contribution when the damage was caused partly by the drivers whom they represent and partly by other persons. It is proposed to settle this question by declaring that they will be regarded as being wrongdoers entitled to contribution against other joint wrongdoers, to the same extent as the insured persons, or drivers for whom they are liable. I move the second reading.

Mr. FRANK WALSH secured the adjournment of the debate.

**SURPLUS REVENUE ACT AMENDMENT  
BILL.**

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

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to amend the Surplus Revenue Act, 1938.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

Second reading.

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—This Bill makes two amendments of the Surplus Revenue Act, 1938. By that Act the Treasurer was empowered to underwrite shares up to £100,000 in the capital of Cellulose (Australia) Limited which at the time of the passing of the Act was being formed for the purpose of manufacturing cellulose, paper and board. After the applications from the public for shares had been received, the Treasurer, in accordance with the underwriting agreement, was called upon to take up shares to the amount of £27,800. These are still held by the Government. The Cellulose Company which, as members know, has been successful, is now making a further issue of shares; and by virtue of the Treasurer's existing share holding he will be offered approximately 20,000 additional ordinary shares of £1 each. As these shares are a good investment it is desirable that the Treasurer should take advantage of the offer. The Bill enables him to do this and appropriates the sum of £20,000 from the Loan Fund for the purpose. Another provision deals with a different but allied topic, namely, the right of the Treasurer to nominate directors of the company. Conditions of the original underwriting agreement were that the Treasurer should have the right to appoint two of the first directors of the company, and after their retirement he should be entitled at all times to be represented on the board of directors by one director for each £100,000, or fractional part thereof, of the total amount of the shares held by the Treasurer and of the money for the time being lent to the company by the State Bank.

The company has been advised by its share brokers that in order to ensure that the proposed new issue of shares shall be successful the company should be listed on the Adelaide

Stock Exchange. But a company cannot be so listed unless its shareholders have an unrestricted right over the election and remuneration of directors and the company's articles of association provide for at least one-third of the directors to retire each year. These requirements are, of course, inconsistent with the rights of appointing directors conferred on the Treasurer by the Act of 1938. The company has accordingly asked the Treasurer to give up these rights. The Government is of opinion that the request is reasonable in the circumstances and has decided to ask Parliament to repeal the relevant section of the Act. There are two facts which the Government has taken into account in arriving at this decision. The first is that even with the new shares which the Government may take up the share holding of the Government will still be under £50,000—a relatively small proportion of the company's capital. Secondly, when the new capital is raised it is intended that the Government will be released from the guarantee of £100,000 which it has given to the State Bank by way of security for an overdraft to the company, and the company's account with the State Bank will then become a normal trading account. In these circumstances it can hardly be suggested that the Government will be entitled to any specially favoured position in the matter of appointing directors. By the proposed new section 3b, therefore, it is declared that from a date to be fixed by the Governor by proclamation the conditions of the principal Act relating to the appointment of directors by the Treasurer will cease to have effect. Members will see that this company, which had a difficult time after its formation, had to be given considerable financial assistance by the Government under the Industries Development Act. That necessitated the Government having representation upon the board, but owing to the success of the company and the fact that the Government, on the passing of this legislation, will not be involved in any guarantees or special loans, there are no grounds upon which the Government should be in a position to dominate the directorate.

Mr. Christian—What proportion of the capital does the Government hold?

The Hon. T. PLAYFORD—I have not the figures before me, but I think the total assets of the company, with the new shares, will be about £600,000 to £800,000, so the Government will be a relatively small stockholder. When the company was in difficulties the Government made money available as it was

unable to secure finance from other sources, so the Government then had three directors on the board, two of its own nomination and one nominated by the State Bank. I think the company's shares, which are of a nominal value of £1 each, are now worth about 26s. each.

Mr. O'Halloran—On a non-official market?

The Hon. T. PLAYFORD—Yes. I believe the company intends to ask the Government to allow the present directors to continue in office. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

### HOSPITALS ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—The purpose of this Bill is to deal with the law relating to the right of hospitals to recover costs incurred in the treatment of persons injured in road accidents. At present the law dealing with this matter is contained in two different statutes, namely, Part VI. of the Hospitals Act and section 70h of the Road Traffic Act. Part VI. of the Hospitals Act was first enacted in 1931 and applies to the charges of Government hospitals, including a hospital to which the rating for hospitals provisions apply. Under this Part, it is provided that should an insurance company receive notice of a road accident, it is to give notice of the accident to the Director-General of Medical Services. If a victim of a road accident has been treated in a Government hospital, the Director-General may give notice to the insurance company concerned of the hospital's claim. Similar notice may be given to a person other than an insurance company who is liable to damages for the road accident. If notice is so given, the insurance company or person must pay the amount of the hospital expenses to the Director-General and any such payment is to be in reduction of the liability of the company or person in respect of the accident. The maximum amount which may be claimed by the hospital in this manner is fixed at £26 5s.

Section 70h of the Road Traffic Act was enacted in 1936 and this provision applies both to Government and private hospitals. This section provides, in effect, that if a road accident victim is treated in any hospital, the hospital may give notice to the insurer concerned requiring him to pay the expenses of the hospital up to £50 for an

in-patient or £5 for an out-patient. It will be seen that the two sets of provisions do not coincide. In addition to this inconsistency, the Hospitals Department has pointed out other deficiencies in the provisions. In the first place, the right of a hospital under each Act must be founded on notice given to the person liable and, as far as the Hospitals Department is concerned, considerable difficulty is encountered in ascertaining the information necessary to enable it to give notice to the insurer or other person liable as, in many cases, the accident victim does not know, at the time of his admission to hospital, the name of the driver or owner of the vehicle causing the accident or the insurance company with which the driver was insured. The Hospitals Act requires an insurer to give notice of an accident to the Hospitals Department but, in practice, this has proved ineffective, whilst no provision for this purpose is made under the Road Traffic Act. In the second place, the maximum amounts provided to be recouped to hospitals, which were fixed in the two Acts as far back as 1931 and 1936 respectively, are now quite inadequate to meet present-day hospital costs.

It is obvious that the law dealing with this matter should be contained in the one Act, and it is proposed by the Bill to provide that the relevant law should be contained in Part VI. of the Hospitals Act with such modifications as are necessary to rectify the deficiencies of the present legislation. Section 70h of the Road Traffic Act is proposed to be repealed by clause 4 of the Bill and a new section enacted to the effect that an insurer by whom a policy is issued as required by the Road Traffic Act, is to meet the obligation imposed by Part VI. of the Hospitals Act. Clause 3 repeals Part VI. of the Hospitals Act and enacts new provisions in its stead. These provisions will apply both to Government hospitals and private hospitals. As beforementioned, one of the needs of the Hospitals Department is to secure information as to the persons concerned in road accidents. Section 139 of the Road Traffic Act requires road accidents to be reported to the police. Clause 3 of the Bill provides that when an accident is reported to the police, the Commissioner of Police is to give notice to the Director-General setting out so far as is known to the Commissioner, details as to the place, nature and time of the accident, the name and address of the person injured and the driver and the owner of the vehicle involved, and the name and

address of any insurer under any policy affecting the vehicle. Clause 3 also retains the existing provision under which an insurer receiving information of an accident affecting a policy issued by the insurer, is to give notice to the Director-General.

New section 52 provides that, where a person involved in a road accident has been treated in a hospital, the hospital, within two months after the occurrence of the accident, may give to the insurer or other person liable, notice of the claim of the hospital for the hospital expenses incurred in treating the patient. New section 53 requires an insurer to whom notice is given to pay to the hospital the amount of the hospital expenses but the amount to be so paid is not to exceed a total of £125 made up by expenses up to £100 for an in-patient and £25 for an out-patient. Similar provision to that now contained in the Road Traffic Act is made to deal with a case when two or more insurers or two or more hospitals are involved, where the liability or, as the case may be, the payments are to be shared.

New section 54 provides that when a person, other than an insurer, has been given notice of its claim by a hospital and the person to whom the notice is given makes any payment to the person treated by the hospital as damages arising out of the road accident the hospital claim is to be paid by the person paying the damage. The total amount to be so payable is limited to the same amounts as those prescribed in new section 53. If any payment is made under either new section 53 or 54 the payment is, as has been the case, to be in reduction of the liability of the insurer or person liable to damages. New section 55 provides that if any insurer or other person to whom notice is given neglects to meet the hospital claim, he may be sued by the hospital for the amount in question. Other ancillary provisions are included in the new Part.

The treatment of these road accident cases is imposing an increasing strain on hospitals and it is obvious that there should be adequate legislative provision to ensure that the costs of hospitals incurred in treating accident cases should be recovered from the persons under legal liability to meet the expenses of the result of the accident. Obviously, the hospitals, particularly Government hospitals, cannot do anything but accept these road casualties for treatment, but as before mentioned, adequate provision should be made whereby those legally responsible should recoup the hospitals for the costs of carrying out this

duty. As far as the Government hospitals are concerned, it is expected that, with the additional facilities to recover these costs which will be given by the Bill, an amount of up to £25,000 a year will be recoverable which otherwise would be borne by the Hospitals Department. I move the second reading.

Mr. FRANK WALSH secured the adjournment of the debate.

#### CATTLE COMPENSATION ACT AMENDMENT BILL (No. 2).

Second reading.

The Hon. Sir GEORGE JENKINS (Newcastle—Minister of Agriculture)—The Cattle Compensation Act, 1939, sets up a scheme under which a stamp duty is imposed on the sale of cattle, the proceeds of which duty are paid into a fund from which compensation is payable when cattle or the carcasses of cattle are condemned because of disease as defined by the Act. Section 6 of the Act provides that if cattle are destroyed and are found to be free from disease, the compensation is to be the market value of the cattle. If the cattle are found to be diseased, the compensation is to be three-quarters of the market value. It is provided, however, that in no case is the market value of any one head of cattle to be deemed to be more than £30. Compensation for carcasses condemned because of disease is on a scale prescribed by regulation and this scale, of course, conforms with the compensation limits provided for cattle. The limit of £30 per head of cattle was fixed in 1948. Since then the market value of cattle has increased substantially and it is therefore proposed by the Bill that this £30 limit should be increased to £60. The Government is advised that this increase in compensation limits can safely be provided for without either requiring any increase in stamp duty and without jeopardizing the fund.

At June 30, 1951, the fund had a credit of £48,098. During the year ending June 30, 1951, the revenue derived from stamp duty was £14,548 whilst £5,658 was paid out in compensation. It is estimated that, if the amendment proposed by the Bill had been the law during the financial year in question, the claims against the fund would have been increased by approximately £1,000. It is therefore considered that, whilst the fund must be maintained at an amount which will enable compensation claims to be met in the event of an epidemic of infectious disease, the amount to the credit of the fund and the annual stamp duty are such to

permit the maximum compensation being increased as provided by the Bill. If the Bill is passed it will, of course, be necessary to make regulations altering the prescribed scale of compensation for carcasses so as to conform with the maximum compensation provided by the Bill. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

#### MINING ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—This Bill deals with the penalties for late payment or non-payment of royalties and payments in the nature of royalties under mining leases. At present this matter, so far as it is covered at all, is dealt with by section 125 of the Mining Act. This section was enacted in 1893 at a time when royalties were a relatively small matter; and it appears to have been drafted principally to deal with rents. It is unsatisfactory and difficult to interpret in its application to royalties. It appears to mean that if a royalty is not paid on the due date a penalty is to be added to the rent. If the royalty is not paid within a month after the due date a further penalty of 10 per cent is to be added, but it is not clear whether it is 10 per cent of the increased rent or 10 per cent of the original royalty. The matter is further complicated by the fact that royalties are not payable at the same time as rents. The rents are payable quarterly but often not on the usual quarter days.

Royalties are payable yearly or half-yearly. Thus there may be no rent owing to which the penalty for late payment of royalty can be added. These and other difficulties render it necessary to redraft section 125 to make clear how it applies to royalties and the Bill does this. It will not appreciably alter the present law as to penalties for non-payment of rent. But as regards royalties or any other similar sum the Bill provides that if a royalty is not paid on the due date a penalty of 5 per cent of the amount thereof will be immediately added and will be payable on the day after the appointed day. Further, if a royalty, together with the penalty, is not paid in full within one month after the appointed day a further 10 per cent of the amount of the royalty will be added and will be payable on the first day after the expiration of the month. The Bill further provides that any sum payable under a mining lease, whether rent or royalty, may be recovered by the Minister of

Mines by an action brought by him in his official name. At present the Minister is required to sue in his personal name, a fact which would lead to difficulties if there should be a change of Minister while legal proceedings were in progress. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

#### INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1081.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—This is a simple Bill which deals with a transaction which has been mentioned in this place intermittently over a period of years. I refer to the grain distillery which was erected at Wallaroo by the Commonwealth Government during the war for the purpose of generating power alcohol from wheat. At the time it was thought it would be difficult to dispose of wheat stocks and that a distillery would provide means of contributing to Australia's fuel supplies which at the time were threatened by overseas hostilities. Fortunately the market for wheat improved and the oil position did not deteriorate, and it did not become necessary to use the plant and buildings for the original purpose. After much discussion and a considerable amount of negotiation the plant was sold to the State Government at what now appears to have been an advantageous price. I have not been able to get the original cost of the plant to the Commonwealth, but various figures have been mentioned, and it seems that the cost of the buildings and the plant would have been about £400,000. Subsequently the plant was sold to the State Government for £105,000.

The Hon. T. Playford—One boiler was taken out. The price otherwise would have been about £125,000.

Mr. O'HALLORAN—I think the boiler went to the Heidelberg military hospital, and the price was £20,000. It can be said that it was a good business transaction for the State. Figures disclosed by the Treasurer in his second reading speech, and subsequently in replies to questions by Mr. McAlees, show that £121,000 odd was received from the sale of the plant. To that must be added £15,000, the value of the land and buildings. The Government has done well out of the transaction and has already made a clear profit of £16,000

and has land and buildings on hand worth about £15,000. The Bill provides for a total sum of £25,000 being granted to S.A. Refractories Ltd., which has taken a lease of the buildings and is about to begin production of various types of ceramics. I understand that the assistance to be given to this industry has been the subject of inquiry by the Industries Development Committee and that it has recommended a total of £65,000 to assist the project. Therefore, I assume that in addition to the £25,000 mentioned in the Bill a further £40,000 will be provided out of loan moneys which are available to assist the development of secondary industries. This prompts me to inquire why this special consideration is devoted to this particular item. As I understand the Secondary Industries Promotion Act, there is adequate provision for assistance being granted by the Treasurer in the event of a favourable report on the establishment of an industry, and in addition there is the Country Industries Fund which has been established in association with this legislation. An amount of £100,000 was provided for the purpose and I understand £28,000 of that amount has been appropriated for assistance to various country industries, so there should be £72,000 available to assist this industry at Wallaroo, which undoubtedly is a country industry.

During the discussion on the Loan Estimates the Treasurer said it was the Government's intention in future, as indeed it has been for some time, to treat the whole of the loan funds as a pool out of which assistance could be given to a particular section, which Parliament has approved, and if money was not spent in other directions it could be switched from one appropriation to another, or if there was a shortage in one account it could be made good by the surplus from another. In this case, instead of the profit being paid into the loan fund, £25,000 is to be appropriated for the purpose mentioned. On the more recent figures which the House heard on Tuesday, the debit to the loan fund will not be £15,000, as stated by the Treasurer in his second reading speech on the Bill a few weeks ago, but £9,000, when allowance is made for the profit already derived from the sale of assets. No doubt that profit has been paid into the loan fund. I am at a loss to understand why this new practice is being adopted: I suppose it is like a sop to Cerberus. We are to earmark some or the whole of the profit on the sale of surplus assets so that the indus-

try can be assisted. That cuts across the principle we were asked to accept when the Loan Estimates were before us earlier this year, namely, that the whole of the loan funds were to be treated as one pool out of which the various appropriations should be provided from time to time. This is something we will have to elucidate in the years to come. However, it does not detract from the merits of this legislation. Its chief merit is that it will guarantee some of the assistance which has been promised to this particular industry as the result of an inquiry by the Industries Development Committee.

The people at Wallaroo have suffered many disappointments over the years concerning the establishment of an industry in their town. First one firm was interested in establishing an industry, then there was the project of the carpet industry and still another industry was interested in undertaking operations there. So, over the last five or six years there has been a continual building up of hopes of people in that area that something would eventuate, but those hopes were dashed to the ground almost immediately. I recollect when I was acting Leader of the Opposition during the absence overseas of the then Leader, the Hon. R. S. Richards, who represented the Wallaroo district at the time, being invited to a municipal banquet held in the Wallaroo town hall to celebrate the opening of a plastics industry in the old grain distillery. Guests were shown false teeth, strings of beads, and other things which were to be made in this factory. Some of us realized that in fact no factory existed and all that was being offered to the people was a prospectus inviting them to contribute towards the capital of the company, and if sufficient support from local people was forthcoming then the industry might be established. After I had heard the various explanations at the meeting I was not so confident of the future of the industry, and my lack of confidence was amply borne out by results. I accept the Premier's word that at last we are to have an industry firmly established in the grain distillery buildings at Wallaroo. It is something that we can all be pleased about. The chief item of manufacture will be insulators, which are not produced elsewhere in South Australia. This industry will help to compensate the district for what it has endured since the closing of the mines. It will provide employment for local people, who will not now have to travel long distances to obtain employment as at present. For that reason I wholeheartedly support the second reading.

Mr. McALEES (Wallaroo)—I do not think anyone knows the history of the grain distillery buildings at Wallaroo better than I do. During the war years Australia was faced with a difficulty in obtaining sufficient petrol supplies, and as wheat was plentiful in Australia the Commonwealth Government decided to establish a grain distillery in each State to manufacture power alcohol. People at Wallaroo were hopeful that one would be located in their district. However, they were told that there was not sufficient water there for the purpose. A deputation thereupon waited on the Minister of Works who said he did not like to see the establishment of an industry held up through lack of water. He promised to recommend to Cabinet that something should be done, and the matter was referred to the Public Works Committee. The project involved the laying of 30 miles of 12in. main. The Government approved the project. I visited Melbourne and Canberra to advocate that the works be established at Wallaroo. I believe the South Australian Government then approached the Commonwealth Government requesting that it pay for laying the water main. Although a distillery was erected at Wallaroo it actually never turned a wheel. By this time plenty of shipping had become available and therefore there was not the same demand for power alcohol to be produced in Australia. Steps were then taken to dismantle the plant. The people of my district, who are gifted with plenty of determination, took the stand that as the plant was already at Wallaroo it should not leave the district. The three sister towns of Wallaroo, Moonta, and Kadina were in agreement on this. The Premier could not start an industry at the distillery because the buildings and plant did not belong to his Government and the Commonwealth Government could not establish an industry because it had no control over labour. The Commonwealth Government could have sold the plant at a much higher figure than that actually paid by the South Australian Government. Mr. Dedman, who was then Minister for Post-War Reconstruction in the Chifley Government, came to Wallaroo and the local people put their case to him. He decided that the plant should be sold. The local committee suggested that the South Australian Government should be given the first chance to take it over as it was under the impression that the Government was anxious to buy it. The plant included three boilers which the South Australian Government wanted to retain, but the Commonwealth Government also wanted one of them. The local people said that

they were not to leave the district. The people of Wallaroo were told that if they attempted to do anything in the matter the military would be called out, but we were prepared to fight for our existence.

In reply to my question last Tuesday the Premier said that the Commonwealth Government's price for the sale of the Wallaroo distillery land and premises was originally £125,000 but had been reduced to £105,000 on the removal of a boiler for use at Heidelberg Repatriation Hospital. The two remaining boilers were taken to Leigh Creek and city people are now reaping the benefit from their use there. I have no idea of the real value of all the equipment which was at the distillery, but I believe the prices paid by the various firms purchasing it were far below its real value. My constituents are anxious to see this industry started at Wallaroo, because there is sufficient labour in the district to work the plant. I give the Government credit for trying to get an industry established at Wallaroo. Residents of the district hope that the surplus accruing to the State from the sale of equipment from the Wallaroo grain distillery will be spent in the district, and I believe the Government intends to do that. I endorse the remarks of the Leader of the Opposition. The people of Wallaroo were jubilant when the plant was taken over by a plastics company, and I remember the social evening held in the Wallaroo Town Hall at which exhibits, including false teeth, were on display. Speeches were made by local leaders, but I believe that the Premier was the only person present who knew anything about the venture. He seemed to enjoy himself there and may have been laughing up his sleeve. Afterwards we shed tears when the plastics company did not commence operations. My constituents and I are delighted at the prospect of this new industry and believe that, once established, it will keep our people in the district. I hope the venture will be a success and support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Transfer of certain money to Country Secondary Industries Fund."

Mr. O'HALLORAN—This clause provides that from the money standing to the credit of the Loan Fund account there shall be transferred to the Country Secondary Industries Fund the sum of £25,000. Is that sum in

addition to the £65,000 recommended by the Industries Development Committee or is it part of that amount? If the latter, has the balance been advanced or is it intended that it shall be advanced as required?

The Hon. T. PLAYFORD—That sum is not an advance above the amount recommended by the committee. The Government can make advances only on the recommendation of the committee, so if there were to be any additional advance it would be necessary to refer the matter to the committee and obtain another recommendation. There was a surplus arising out of this transaction, and this provision transfers it to the Country Secondary Industries Fund, where it will be available when another worthwhile proposition from the country is brought to the attention of the Government.

Clause passed.

Title passed. Committee's report adopted.

#### PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 10. Page 876.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—Most of the provisions contained in this Bill are minor adjustments to the general principles already expressed in the Act and do not call for any special comment. In reference to the proposal in clause 4 to increase the salary of the Public Service Commissioner—to which no objection can be taken in view of the increases which have been granted to other high ranking public servants—I merely repeat what I said in reference to other provisions of this nature which the House has considered in recent weeks. I think it is wrong to fix a salary at a definite amount. While it may be quite reasonable to segregate certain officers of the Public Service for purposes of determining salaries and conditions of employment, that is, deal with them at the Parliamentary level, the principle which is involved in this differentiation—if it is a principle—would be fulfilled if Parliament merely reserved to itself the right to determine these matters, but allowed parallel automatic adjustments as are provided for in the determination of the salaries of other public servants. A salary of £2,300 might be quite appropriate for the Public Service Commissioner at the moment—having regard to the general level of salaries paid to officers of the service—but what will the position be in, say, a year's time if the price level continues to

rise as rapidly as it has risen in the last year or so? This Act, and others fixing salaries, will have to be amended to restore the present margins which are intended to be expressed in the amount now fixed. And if, subsequently, the price level falls, as most of us believe it will inevitably fall, Parliament may find itself in the position of having to make corresponding adjustments downward in the salaries of these special officers. A more satisfactory scheme would be to fix some basis for the commissioner's salary and provide for automatic variations according to living costs and margins maintained in the salaries of public servants. An amendment to be moved by the Premier is, I understand, designed to make some such provision.

Clause 5 proposes to extend the powers of the Public Service Board so that it can deal more adequately with such matters as overtime, board, lodging, fuel and light; and in view of the nature and extent of the powers already exercised by the board, it seems reasonable that it should also exercise the powers now proposed. In reference to overtime, the board can now only authorize payment in lieu, and it is proposed that it should have power to authorize time off. In this connection there is only one observation that I wish to make. I assume that the time taken off by the officer who has worked overtime will be at the convenience of the department to which he is attached and that the officer himself will have very little say either in the matter of working overtime or as to when he shall take time off. Normally, the officer will have to work the overtime in accordance with the requirements of the department and, generally, in the interests of and for the convenience of the public. I have in mind particularly those Government institutions which are open to the public at times not normally regarded as office hours, such as the Public Library and Art Gallery; and there may be other departments rendering a similar service to the public. In other instances, overtime may be necessitated through the development, or the possibility of the development, of an emergency, such as repairs to water or electrical services. The officer or employee concerned is thus required to work at times when, in other occupations, he would be paid at penalty rates. I do not know what the policy of the board is in determining payment for overtime at present, but I do not think that either payment at ordinary rates or the remission of the equivalent time would be a just recognition of the position. Perhaps

the Premier will be able to inform the House on this point. In reference to the proposal to empower the board to fix charges for board, lodging, fuel, light, etc., as the board has power to determine salaries and rents, it should also have power to determine other allied charges and allowances, and it is a matter of surprise to me that the powers now proposed were not originally given to the board.

Clause 6 refers to the temporary employment of persons over 65 years of age (60 in the case of women). At present the Act provides that a former Government employee may be re-employed after reaching the retiring age, but this authority lapses at the end of next year. The proposal contained in the clause is to extend the privilege of employment to persons who have not previously been employed in the Public Service and to continue the operation of the general provision until the end of 1954. The reasons given for this proposed extension are the urgent need, particularly of tradesmen, and the general scarcity of labour of all kinds. There are one or two observations I would like to make on this question. I am in favour of utilizing whatever services might be of value to the State, especially at a time when the need is great, as it is today. I am not quite sure, however, that the need will continue for another three years. Perhaps the Premier has been unduly pessimistic in providing now for a period of three years, although he may have some good reason for doing so. In any case, to be consistent, he should have proposed that the operation of this particular provision should merely continue until December, 1952, as now provided and, as with other Acts, if next year circumstances rendered such a course desirable or necessary, he could propose a further extension. The other Acts I have in mind are the Prices, Building Materials, and Landlord and Tenant (Control of Rents) Acts. If it is proper to limit the period of operation of those Acts to 12 months in order that Parliament may have the opportunity to review the position annually it should limit to the same period the period of operation of this new provision, which is designed to meet an emergency, so that the same annual review could be exercised by Parliament.

Another aspect of this question is in connection with the employment of elderly people as such. The retiring age was originally fixed for the purpose of ensuring that persons over a certain age should not be required to continue in their employment but have leisure to

enjoy the last years of their lives and to encourage juniors to join the Public Service; and while it may be desirable for the State to avail itself of their services beyond the age which modern standards have determined as a reasonable retiring age, we should not allow a provision for re-employment to become the means of defeating the laudable purpose expressed in the general rule of retirement. In order to obviate the presumption of more or less permanent employment after a person reaches the retiring age—and this presumption might very easily eventuate under this provision—it is desirable to prescribe some age beyond which a re-employed person shall not be employed in the Government service, such as 70 for a man and 65 for a woman.

Mr. Christian—I think that is prescribed by the Act.

Mr. O'HALLORAN—Yes. This could be achieved by a simple amendment, which I intend to move in Committee, re-enacting the existing provision. The Bill permits the employment of people who were not formerly engaged in the Public Service. Clause 8 can be regarded as a "consequential amendment" in the sense that it has to be passed now in order to authorize what Parliament was assured to be the intention of the Government when it amended the Act last year. For some reason, omissions and faults are continually being disclosed in Government legislation introduced in recent years, and these consequential amendments are all too frequent. The clause itself calls for no comment other than that it is hoped it will achieve its purpose of enabling retired public servants to receive payment in lieu of long service leave, as was intended by the amendment made last year.

Clause 7 is undoubtedly the most important in the Bill, dealing as it does with appeals against appointments in the Public Service, and I desire to make a number of comments on the proposals contained therein. This clause proposes to repeal subsection (5) of section 52 and to re-enact it in another form. Before considering the proposed amendment I would like to draw the attention of members to the existing provision, which reads as follows:—

An appeal under this section shall be considered, as prescribed, by the board in conference with the permanent head or a representative of the permanent head of the department in which the vacancy occurred, and with the appellant or, if he so desires, with the general secretary of the association, and after the conference the board shall determine the appeal.

I would draw particular attention to the use of the word "conference." The subsection, as it now stands, would imply that the appellant is a party to a conference on equal terms with the head of the department or his representative but, of course, this is not so. At this so-called conference the head of the department (or his representative) is usually present before the appellant is admitted, while the appellant is being examined, and after the appellant is dismissed from the "conference." Under these circumstances, one might almost regard the head of the department as being in the position of an additional member of the board. But quite apart from that, it is obvious that the word "conference" is hardly the word to describe the hearing of an appeal even under the conditions which now obtain. Perhaps it was used in order to convey the idea that the board's proceedings were to be informal and not governed by the strict rules of evidence. Whatever the intention, however, I think members will agree that the subsection should be amended; and in amending it, we should take the opportunity to lay down the principles as well as prescribe the methods which the board is to observe in hearing appeals. The proposed new subsection does not, in my opinion, take full advantage of this opportunity to place the whole question of appeals in its true perspective.

Let us examine the steps leading to the making of a recommendation and the lodging and hearing of an appeal. Applications for a vacancy are duly lodged with the Public Service Commissioner who, I understand, sends them to the head of the department concerned. The head of the department (or his representative) studies the applications and selects the person he desires to recommend to the commissioner for the appointment. Under certain circumstances, the head of the department may conduct an examination to help him in coming to a decision, but if there is an applicant from his own department, this may not be deemed to be necessary. He then returns the applications to the commissioner, together with his recommendation for the appointment; and the commissioner—unless there is some good reason for not doing so—accepts his recommendation. There may be departures from this general procedure, such as for example, the interviewing of certain applicants where the importance of the position warrants it, but I understand that the procedure is as I have described it in the great majority of cases. It will be admitted, I think, that although this procedure

may be sound enough in general, it tends to give considerable advantage to the applicant who happens to be an officer in the department concerned. It may well be that the head of the department does not know the other applicants personally, whereas, on the other hand, he may even be on extremely friendly terms with the applicant from his own department. In any case, he does know his own candidate and may not know the others and, without being actuated by unworthy motives, he may very easily be influenced by considerations which should not enter into the determination of appointments. In these matters the commissioner must necessarily be guided to a great extent by the advice of the head of the department concerned; and it may be assumed that he usually accepts it. The person recommended by the departmental head normally becomes the commissioner's nominee, and the commissioner may thus be the innocent victim of any error, deliberate or unintentional, on the part of the departmental head. I regard one of the functions of the appeal board to be to rectify the position that might arise as a result of such an error.

Subsection (3) of section 52 provides that appeals may be made against the commissioner's recommendation. It may be generally thought that only those officers who actually applied (and who are senior in service or salary to the commissioner's nominee) have the right to appeal; but any officer senior in service or salary, whether he applied for the position or not, may appeal—although how anyone who has not applied can officially know of the nomination in time to lodge an appeal, I have never been able to discover, as only applicants having the right of appeal are notified. Subsection (1) of section 52 provides that the commissioner may "recommend any person in the employ of the Government of the State for appointment to a vacancy, regard being had to the relative efficiency or, in the event of equality of efficiency of two or more applicants for the vacancy, to the relative seniority of those applicants." This makes it perfectly clear that the commissioner must endeavour to distinguish between the applicants from the point of view of efficiency, uninfluenced by considerations of seniority, except in so far as longer experience may have given one applicant greater efficiency than another; and only if the commissioner is unable to make such a distinction is he to recommend the senior applicant. It follows, therefore, that if a junior appli-

cant is recommended, the commissioner must regard him as being of greater efficiency than a senior applicant and must have, or should have, come to that conclusion without considering seniority as such at all. But I am inclined to think that the fact that only officers senior to the person recommended have the right of appeal may have the effect of reversing the order in which these matters are considered. Thus a provision which was intended to guard against favouritism (in the promotion of junior officers to the disadvantage of senior officers) may very well have become the means of preventing a capable junior officer from receiving deserved promotion in the normal way.

The right of appeal is restricted to officers senior in salary or service to the person recommended, but, as I have pointed out, the Act provides that any senior officer, whether he applied for the position or not, may appeal. I mention this again because although theoretically it could enormously widen the scope of the board's investigations by increasing the number of potential appellants, no objection has been raised on that score and, indeed, the intention of this provision is to ensure that justice shall prevail. For that reason there should be no objection to an alternative proposal which I believe would render even greater justice, and at the same time remove the circumstances under which, as I have said, the commissioner's judgment as to the relative efficiencies of applicants for promotion may be unduly influenced. This proposal is to extend the right of appeal to all applicants. An appeal against the commissioner's recommendation is not on the ground of seniority, but on the ground of relative efficiency, and in this respect the claims of a junior officer could just as easily have been overlooked by the commissioner as those of a senior officer. The fact that an appeal is on the ground of efficiency is evident from the wording of subsection (4) of section 52. That subsection provides that any senior officer may appeal "who considers that he is more entitled to promotion to the vacant office than the person recommended on the ground of superior qualifications." I do not think there is any justification for supposing that only senior officers should be privileged to consider themselves to be so entitled. If an appeal is lodged, subsection (5) of section 52 comes into operation; and at the hearing, as I have said, the head of the department, or his representative (who would have made the original recommendation in most instances) is, apparently by arrange-

ment with the board, present throughout the proceedings connected with the hearing and, for all I know, may enter into the discussions of the board in the absence of the appellant. I think, therefore, we can safely agree with the Government that the present vague provision should be replaced by a more definite provision. Clause 7 proposes to re-enact the subsection in the following form:—

When an appeal has been made the board shall—

- (a) Give the appellant, the commissioner and the person recommended notice of the time when and the place where the appeal will be heard;
- (b) hear and consider any relevant evidence, information or arguments submitted by or on behalf of the appellant, the commissioner, the head of the department in which the vacancy occurred and the person recommended;
- (c) determine the appeal in such manner as it deems just, having regard to the relative efficiency or, in the event of equality of efficiency, the relative seniority of the appellant and the person recommended.

On the hearing of an appeal any appellant or person recommended may be represented by the general secretary of the association; and the commissioner may be represented by any person authorized by him for the purpose. This subsection shall not affect any right of the association under section 24 of this Act.

These provisions at least lay down a definite procedure to be followed by the board, which the present provisions do not do, and at the same time seek to preserve the informal nature of the hearing, which the present provisions were intended to ensure. They nevertheless contain objectionable features in that they make it imperative for the board to hear and receive evidence submitted by or on behalf of the commissioner and the head of the department concerned. When referring to this clause the Premier said that its main object was to give the commissioner the right of audience before the board when appeals are being heard. He also mentioned that the commissioner used to be a member, and indeed, the chairman, of the appeal board until recently; and I understand he did so by way of justifying the proposal to give the commissioner the right to appear before the board as it is now constituted. Actually, the present constitution of the board, when it functions as an appeal board, is a direct consequence of the fact that the commissioner was formerly a member, and the intention of the Act in this respect is undoubtedly to prevent the commissioner from unduly influencing the decisions of the board. Rather than give the commissioner the right

(to appear before the board, I would exclude him from any communication with it, other than the purely formal notification by him of his recommendation (with reasons attached), and the notification to him that an appeal has been upheld or dismissed, as the case may be. I submit the following reasons in support of this view.

In the first place, an appeal to the board is an appeal from the commissioner's recommendation and, except for the absence of legal formalities, the position is exactly the same as in the case of an appeal from a lower court to a higher court. No-one would expect a judge to sit with other judges on an appeal from his own judgment; and this principle was decided in reference to the appeal board when the Act was amended to exclude the commissioner from membership of that board. By the same token, no-one would expect a judge who had given a judgment against which an appeal has been lodged to doff his judge's robes and don the robes of the advocate to plead the validity of his judgment in a superior court. The proposal to place the commissioner in the position of pleader in the interests of the person he has nominated for an appointment is, in my opinion, derogatory and unprofessional.

In the second place, the very existence of an appeal board implies that the board is capable of dealing with cases submitted to it; and this is to be understood in both the practical sense and the legal sense. It must be assumed that the personnel of the board is such that it can come to a reasoned and just decision, and it must also be assumed, and we have legislative justification for assuming, that the board takes responsibility for its decisions. In urging that the commissioner should have the right to appear before the board, the Premier asserted that the commissioner is primarily responsible for the proper staffing of departments. But is the position really what the Premier sought to convey when he made that assertion? On this point I would suggest that members read carefully sections 51 and 52 of the Act. They give the board very wide powers. For purposes of section 51, which refers to the creation and abolition of offices in the public service, the commissioner is only one member, although chairman, of the board which has the right to make recommendations to the Government. Subsection (1) of section 52 provides for what appears to be the commissioner's only untrammelled authority, the decision whether a vacancy shall be filled or not, because the words

"if it is expedient to fill such vacancy" apparently imply that it is the commissioner who determines whether it is expedient to do so. Subsection (1) also imposes upon the commissioner the responsibility of selecting the most efficient applicant in accordance with the definition of efficiency contained in subsection (2), with the proviso that if he cannot differentiate between applicants on the score of efficiency he is to recommend the senior applicant. These provisions certainly express the principle that the commissioner's chief duty is to ascertain, if possible, by whatever means at his disposal, the most efficient applicant for the purpose of recommending that applicant for a particular appointment. Once there is an appeal, however, the commissioner's responsibility ends; for then the matter is taken out of his hands, and the Act intends that it should be. Subsections (6) and (7) make that perfectly clear. If an appeal is upheld, the commissioner's original recommendation *must* be cancelled and he *must* recommend the successful appellant. That is the substance of subsection (6). Even if an appeal is dismissed, the board has still, in effect, sat in judgment on the commissioner's decision and is really responsible for the nomination that ultimately goes to the executive.

It is reasonable to assume that if the commissioner has given applications just and due consideration, in the light of his knowledge and experience, supplemented by the knowledge and experience of those whom he may consult before making a recommendation, his recommendation will normally be the right one and will be upheld by the board without further representations on his part. Moreover, if he is prepared to recommend one applicant in preference to another, he should surely be prepared to set out at the time when he makes his selection the reasons for that selection, whether there is to be an appeal or not. I therefore suggest that the position which the Premier wishes to meet by giving the commissioner the right to appear before the board would be more appropriately met if the commissioner conveyed to the board through the ordinary official channels the reasons which determined his recommendation. The board would then be cognizant of these reasons in case an appeal is lodged. I cannot imagine an appeal court in the processes of law not examining the reasons which a primary judge gives for his judgment, and so the commissioner's reasons should be made available to the board. It is to be understood, of course, that these reasons do not suddenly

occur to the commissioner if and when an appeal is lodged; but if that should have been the case in any particular appointment it is an even stronger argument for insisting that he should set out his reasons when he makes the recommendation.

In view of the part generally played by the head of the department concerned in determining the recommendation submitted by the commissioner, what I have said about the commissioner applies almost equally to the head of the department. Where the nominee is the person recommended by the head of the department, the objection to allowing the latter the right to be heard is only less strong by virtue of the fact that, although he may advise the commissioner, the commissioner himself must take the responsibility of the nomination. If, as is usually the case, the commissioner adopts the head's recommendation, whatever reasons the one might have had for it the other would have had also; so that even if one ought to be heard by the board the other need not be. In the very unusual case where the commissioner does not adopt the head's recommendation, I believe this does sometimes happen, if both were entitled to be heard—actually, the clause provides that both must be heard—the appeal would tend to resolve itself into a trial of strength between the head of the department and the commissioner, and the main contestants would become mere ciphers. As a matter of fact, under existing rules governing appeals, the person recommended by the head of the department in such a case may not even have the right of appeal!

What kind of evidence would the commissioner submit to the board and under what circumstances would he submit it? An appeal can only lie when the commissioner has recommended a junior applicant, and if the commissioner has recommended a junior applicant, it should have been because he considered him more suitable because more efficient than the senior applicant for the position concerned. The commissioner has no authority under the Act to introduce into the question of making a recommendation any such matter as the suitability of an applicant for some higher position (to which the position concerned may be regarded as a stepping-stone), the interests of the service as a whole, the possibility that a particular applicant will work more harmoniously with others in the department, the possibility that the appointment of another applicant may prejudice the chances of promotion of other officers further

down the list, or the moral character or other personal disqualifications of an applicant. But if the commissioner is entitled to be heard by the board—and it is assumed that he would give his testimony in the absence of the appellant—is it not possible that matters such as these may be the subject of his testimony? If these and other matters not contemplated in the expression “special qualifications and aptitude for the discharge of the duties of the office to be filled” are to be considered in making any appointment, then let us say so in the Act, even if only in a general way.

As things are, the person who receives the commissioner's recommendation has a tremendous advantage over an appellant merely because of the fact that he has been recommended. This is borne out statistically too by the fact that since the newly constituted board has functioned very few appeals have been upheld. There does not seem to be any good reason why the commissioner or the head of the department concerned should attend to give evidence in support of a junior applicant, who must have been, in their opinion, very much superior to the senior applicant to receive the recommendation in the first place. Moreover, it is highly undesirable that the commissioner or the head of the department should appear before the board under circumstances that could give rise to the suspicion that the board was being intimidated or that matters of high or low policy unconnected with the question at issue were being discussed in camera. The further I studied the proposed amendment the less I liked it. Although it lays down that the board shall hear the commissioner and the head of the department concerned, there is no indication at which stage of the proceedings the board is to call these officers before it. If it appears from the course of the inquiry that the appeal will be dismissed, the commissioner will not desire to be heard, and the board will then be unable to observe the provisions of the clause as it is now worded. Is it contemplated that the commissioner or his accredited representative shall be present throughout the inquiry—as is the case now—and if he sees that matters are going against him, intervene in the interests of the recommended person? If this is the intention, should not the clause be drafted to give the commissioner this right specifically?

The clause also proposes what I cannot help regarding as an absurd provision—that the

general secretary of the Public Service Association may represent both the appellant and the person recommended. I think it is absurd enough to suggest that he should represent either party, as both parties would normally be members of the association. There is, of course, no reason why either party should not consult the secretary, if necessary, as to procedure, etc. That does not need legislative provision—but the secretary ought not to be placed in the position in which he has to try to represent either or both in the actual appeal. This is, of course, without prejudice to the necessity or desirability that the secretary should be present to watch proceedings in the interests of the association, and I would not object to allowing the commissioner or his representative to be present in the interests of the service as a whole. I think the true purpose of the appeal board's hearing would be served if we limited the proposed amendment to a direction that the board shall "hear and consider any relevant evidence, information or arguments submitted by or on behalf of the appellant and the person recommended." If the board knows why a recommendation has been made (as I have suggested, it might be informed by correspondence) it will normally need to hear only the cases as submitted by the parties concerned. It is assumed from the words "on behalf of" that the parties will have the right, as they appear to have now, of bringing any witnesses who are prepared to give evidence on their behalf, and if either party is successful in persuading the head of his department to assist him in this respect, that would be quite in order. Under these conditions the board would be able to function as it was intended to. I propose to move amendments referring to these matters when the Bill is in Committee, and with these reservations I support the second reading.

Mr. CHRISTIAN (Eyre)—I compliment the Leader of the Opposition on his comprehensive survey of the provisions of the measure and their implications. Undoubtedly he has given deep research to the various points involved, and his remarks appear to cover a wide field. I cannot say that I agree with everything he said, for I have not his grasp of the various matters he has raised. I am entirely in accord with what the Government proposes under clause 6—the extension of the employment of people in the Government service who have reached the retiring age. As the Leader of the Opposition pointed out, the original

limit was to be 1952 when such employees had to retire, but the Bill extends that to 1954. I only regret that we cannot make it even later, because I cannot foresee any great easing of the present manpower shortage. As I have indicated previously, I favour some increase in the existing retiring age. We are sending people to the scrapheap when many of them are in their prime and still capable of rendering very useful service in spheres of labour for which they have been specially trained. Not only is that an important aspect but there is another—the effect of compulsory retirement upon many of them. I believe that retirement to many men means a much earlier demise. That was aptly indicated to me the other day by a man who had reached the retiring age and was on his long service leave. His feeling was, "I am no longer wanted. They have cast me out." He felt he had no definite interests—no anchor, nothing to hold him or provide him with a continued interest in existence.

Mr. Whittle—Most of them get another job.

Mr. CHRISTIAN—That may be so, but in circumstances not as pleasant to them, and they may not be used to the work and it may not afford them the same satisfaction. To many work is a means of self-expression. That is an important matter in the success of anyone's career. When a man finds a calling in which he can satisfactorily express his own being it stands to reason he will not only render better service to the community but be much happier than he could possibly be in any other position. It would be interesting to know how many people who desire it are actually re-employed beyond the retiring age. I should like to know what is the general policy covering their re-employment. I have the feeling that not everyone is given the opportunity of re-employment, even when it is desired. That is illustrated by the case I have just referred to. Although this man had some inkling that re-employment was possible and inquired regarding his services being retained, he was told he could not be re-employed. I am not being critical of the authorities in this case, because I do not know all the circumstances. There may have been circumstances whereby his services were no longer necessary, or he may not have been physically fit to carry on his work. He had been employed in a department which is now thousands of men short. He would have been prepared to carry on, but was told to commence his long service leave even before he

reached the retiring age. I am not questioning the right of the department to take such action, but submit his case as an illustration that there may be many people who wish to be re-employed after retirement, but are not given the opportunity.

The Hon. M. McIntosh—Many are given the opportunity to come in on a temporary basis afterwards.

Mr. CHRISTIAN—I cannot see the force of not retaining the men there and then when they are willing to carry on. The man I have referred to has sold his house and come to the city to seek other employment.

The Hon. M. McIntosh—The idea underlying the retirement of employees at 65 was to prevent interference with the promotion of younger men.

Mr. CHRISTIAN—That point does not come into this discussion. The position today is such that we cannot afford to stick to the prescribed retiring age. Otherwise this provision would not be in the Act. The fact that we are short of manpower means that we need the services of these people, and the very department of which the Minister is the head is one in which there are thousands of vacancies.

The Hon. M. McIntosh—Mostly on the physical side.

Mr. CHRISTIAN—I appreciate that, and the man whose case I have used as an illustration was employed on the physical side. We cannot afford to jettison these people, for we need their services, and in their own interests it would be better if we did extend the statutory retiring age. At least we might employ many more of those who were willing to be employed beyond the retiring age prescribed in the Act and in this measure. I do not agree on this point with the Leader of the Opposition.

Mr. O'Halloran—We could re-enact it annually.

Mr. CHRISTIAN—That would not be very satisfactory because these people would want to know a little further ahead that they were going to be employed. It would be far better if they knew that they could go on until 1954 at least.

Mr. O'Halloran—But if surplus labour developed by then they could not go on.

Mr. CHRISTIAN—There is always power for the Minister to dispense with their services, so we need not worry about that.

Mr. O'Halloran—He would have that power in any case so they would have no guarantee of employment.

Mr. CHRISTIAN—That raises the other point on which the honourable member suggested he would submit an amendment, namely, that those who are re-employed should not go on beyond 70 years of age in the case of men and 65 in the case of women. I do not think that is important. I am not opposed to his proposition in this matter, but when we reflect that the Minister can in any case dispense with the services of those who are re-employed it does not matter whether we have a compulsory retiring age for them or not, for obviously if they are no longer capable of rendering good service at the age of 68 or 69 their services will be terminated.

Mr. O'Halloran—Except that in some cases it is wise to tell aged folk to take a spell.

Mr. CHRISTIAN—Quite, but on the other hand I know people of even 80 years of age still rendering excellent service and very happy to do it.

The Hon. S. W. Jeffries—Don't you think individual cases make bad argument?

Mr. CHRISTIAN—We are dealing with the human element and I suggest that any general rule, any straight jacket in which we attempt to place folk can be very irksome. I prefer some selectivity in these matters, treating each individual case on its merits.

The Hon. S. W. Jeffries—That is impossible.

Mr. CHRISTIAN—I do not think so. When we are given an opportunity to re-employ people we can exercise discretion, and I think that is the whole purpose of this provision. We should not be bound by a sweeping rule which jettisons everyone because they have reached a certain age, regardless of their physical condition; in view of the acute manpower shortage we cannot afford it. We should make full use of the services of anyone who is willing to continue to work for the State. I support the second reading.

Mr. SHANNON secured the adjournment of the debate.

#### TRAVELLING STOCK RESERVE: NORTHERN AREAS.

Adjourned debate on the motion of the Minister of Lands—

That it is desirable that the travelling stock reserve running north from Willochra through the hundreds of Boolcunda, Kanyaka, and Barndioota to Hookina, containing an area of 4,370 acres approximately as shown on the plan laid before Parliament on the 27th June,

1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

(Continued from November 6. Page 1103.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—I secured the adjournment of this debate because I was not quite happy about the proposal that a considerable length of travelling stock route, containing 4,370 acres, should be withdrawn permanently from use and allotted to adjoining landholders. I was actuated somewhat by the consideration that it may be wise to defer final consideration until the route of the Brachina-Port Augusta railway is determined, for if the railway from Hawker to Quorn no longer exists this stock route may be necessary to enable stock to walk from Brachina to the market at Quorn. There is another stock route which leads from Hawker through Cradock to Carrieton and in the old days it was a very common practice for stockowners sending cattle from the north to detrain them at Hawker, walk them to Carrieton and re-truck them there, thereby giving them an opportunity to have a spell out of the trucks and a feed *en route*. Because of the existing shortage of drovers that practice has been entirely discontinued, but it may be re-established. That, of course, would not affect the case in question for that route still exists, but I still think there may be some merit in deferring consideration of this proposal until we know definitely which route the north-south line is to follow.

Mr. SHANNON secured the adjournment of the debate.

#### TRAVELLING STOCK RESERVE: HUNDRED OF BLACK ROCK PLAIN.

Adjourned debate on the motion of the Minister of Lands—

That it is desirable that an area of approximately 70 acres of the travelling stock reserve between sections 137, 142 and 143, hundred of

Black Rock Plain and the railway line, as shown on the plan laid before Parliament on June 27, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

(Continued from November 6. Page 1103.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—I have ascertained that this is the block I had in mind when we discussed this resolution previously. It has not been used for travelling stock since the railway line was built and is of no further use for that purpose. Consequently I offer no objection to the motion.

Motion carried.

#### TRAVELLING STOCK RESERVE: HUNDRED OF AYERS.

Adjourned debate on the motion of the Minister of Lands—

That it is desirable that section 900, hundred of Ayers, containing 17 acres which is set aside as a travelling stock reserve as shown on the plan laid before Parliament on the 24th July, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

(Continued from November 6. Page 1103.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—I secured the adjournment of the debate on this motion because I had some limited local knowledge of this area, for I once represented this part of South Australia, but I was not quite sure which reserve the motion referred to. Mr. Hawker has assured me it is the one I had in mind, and, knowing that there is a much better site for camping purposes readily adjacent, I see no reason for the retention of this one and consequently offer no objection to the motion.

Motion carried.

#### ADJOURNMENT.

At 4.58 p.m. the House adjourned until Tuesday, November 20, at 2 p.m.