HOUSE OF ASSEMBLY.

Tuesday, December 7, 1954.

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

CLERK ASSISTANT.

The SPEAKER—I have to inform the House that, in accordance with Standing Order No. 31, I have appointed Mr. R. C. Hammond, Clerk of the Papers and Records, to act as Clerk Assistant and Sergeant-at-Arms during the temporary absence, through illness, of Mr. A. F. R. Dodd, Clerk Assistant and Sergeant-at-Arms.

QUESTIONS.

PETERBOROUGH, YONGALA AND TEROWIE WATER SUPPLY.

Mr. O'HALLORAN—I understand that the Minister of Works and his officers have been conducting further investigations into some alternative proposals to supply water to Peterborough, Yongala and Terowie. This was the outcome of a conference held between the Minister and his officers and me some time ago. Has the Minister anything to report on this matter?

The Hon. M. McINTOSH—Following on what I think was a useful conference with the Leader of the Opposition it was decided to look at this problem from another angle altogether. Instead of having a brand new scheme to supply Peterborough it was thought we could incorporate the existing wells and bores and reticulation system into a much smaller main leading from the head of the present main into Peterborough. The net effect would be to reduce the size of the main perhaps even to almost half. The cost would not be correspondingly reduced, but it would bring the scheme into a realm that I believe could be considered, and I think it might be acceptable to the Public Works Committee, looked at as a whole. We have not got far enough to enable me to say whether it is feasible or not from the point of view of submission to the Government, but I can say that this new proposal has far greater possibilities than anything submitted in the past. My officers are getting out estimates now, but there are several factors to be considered, namely, the country to be served *en route* and the relative cost of the water supply. This new aspect is being followed up with the greatest enthusiasm. It will entail a shandy being supplied to the area by using some water from the River Murray, and I think the estimated cost will be roughly half that of a more elaborate scheme taking water entirely from the River Murray. I hope to have the details for the honourable member before the House rises, but if not I will submit the scheme to Cabinet when it is ready.

SPEED LIMITS ON HEAVY VEHICLES.

Mr. PEARSON—I understand from press reports that the police have been given instructions to take action against drivers of heavy vehicles who exceed the permitted speed limits. According to my information, the speed limit for vehicles of a gross weight of 11 tons and over is 25 miles an hour for semi-trailers, and for vehicles of a similar weight having a separate trailer it is five miles an hour less. From my experience of over 25 years of driving such vehicles, I consider that such speed limits are unrealistic in the light of modern transport requirements, though I agree that we should not permit speeds that would cause damage to the roads. I believe that we should be able to come to a compromise between the two extremes that will be acceptable to all reasonable drivers of heavy vehicles. I understand the State Traffic Committee has investigated this matter and has tendered a report to Cabinet for consideration. Can the Premier say whether the committee has reported on this matter and, if so, is it intended to alter the permitted speeds?

The Hon. T. PLAYFORD—The Minister of Roads submitted this question to Cabinet, which decided to take no action to increase the present speed limits. I point out that these limits are not always obeyed, but the police cannot get a conviction if the speed is only slightly above the maximum, except when the defendant admits the speed. We have very little control over fast-moving heavy transports, and it is not proposed to take any action this session.

HOUSING TRUST HOMES.

Mr. FRED WALSH—Yesterday's *Advertiser* published a photograph of Mr. Joseph Luthaus an unnaturalized migrant, and his fiancee, Miss Sussbauer. Mr. Luthaus almost lost his sight in a quarry blast at Seacliff on September 9, and I am sure all members sympathize with him. It was reported that his fiancee had hurried here from Germany to help him, and they are now discussing their wedding arrangements. The report stated:—

The couple have been busy equipping their Housing Trust home, which Mr. Luthaus obtained just before his accident.

As there are many people in my electorate, and I am sure in other electorates, who are living under substandard conditions and have had applications with the Housing Trust over a long period for homes which they have been denied because, it is said, there are not enough to go round, can the Premier explain why this unnaturalized and unmarried person was allotted a house by the trust?

The Hon. T. PLAYFORD—I have no knowledge of this case, nor did I see the report mentioned. I will obtain a report from the Housing Trust and furnish it to the honourable member in due course.

Mr. O'HALLORAN—Has the Premier obtained a report from the Housing Trust on the matter I raised previously about houses suitable for large families being erected by the trust?

The Hon. T. PLAYFORD—The chairman of the Housing Trust reports:—

Whilst at a particular time it may occur that a housing emergency overtakes a large family and the South Australian Housing Trust has not at that time a large family house available for occupation, the number of large family houses built by the trust is proportionately higher, having regard to the number of applications for this type of house, than the number of other types of houses. About 1½ per cent of applicants require large family houses but about 7 per cent of the brick rental houses built by the trust are large family houses. The percentage in a group varies. For example, in one group now being built there are 12 large family houses, which is approximately 14 per cent of the total houses in the group. In other groups the percentage is lower. The trust holds about 150 applications for large family houses but about half of the applicants have not contacted the trust since lodging the application, in some cases several years ago. During this calendar year the trust has housed some 74 families in large family houses; some of these are in new houses and some in houses vacated by others. The trust appreciates the special difficulties of persons with a large family and it is for this reason that the large proportion of large family houses is built as previously mentioned.

FREIGHT CHARGES FROM PORT PIRIE.

Mr. DAVIS—Has the Premier a reply to my recent question regarding the 10 per cent surcharge on goods carried by road between Port Pirie and Adelaide?

The Hon. T. PLAYFORD—I think I have that report. I will search for it and let the honourable member have it later.

BRINKLEY WATER SUPPLY.

Mr. WILLIAM JENKINS—Last week two questions were directed to the Minister of Works regarding the lining of the cement water pipes at Brinkley. Although I appreciate the necessity of shifting the men engaged on that work to work on the reticulation of water for the Murray Bridge hospital, I am concerned about the reticulation of water to the Brinkley farmers during the hot summer months. Can the Minister say what progress has been made on that work and when it is expected that it will be resumed?

The Hon. M. McINTOSH—I said last week that any work undertaken today is generally undertaken at the expense of some other job, that we had to decide the order of priority, and that before doing so every consideration had been given to the urgency of the case at Brinkley. A comparison had to be made between the convenience of stock users on the one hand and hospital patients on the other, and I considered that the transfer of the gang to Murray Bridge was the right thing. Since then the Engineer for Water Supply has reported:—

The transfer of the gang to Murray Bridge was only done after careful consideration of all the factors involved. Firstly the cleaning and lining of the Brinkley mains has proceeded to the point where a marked improvement to the supply to the Brinkley district has been made, and secondly the improvement of the supply to the hospital at Murray Bridge was considered to be of supreme urgency and that the moving of the cement linings gang from Brinkley to Murray Bridge would give early improvement to the hospital and would not adversely affect the improvements in the Brinkley scheme. The work on the 5in. main in Swanport Road, which supplies the hospital, will take approximately a fortnight or possibly three weeks and the gang will then return to the Brinkley district to continue the cleaning and lining. I would like to point out that approximately 27,000ft. of 5in. main in the Brinkley district has been cleaned and cement lined and that this work has improved the supply in the Brinkley district to the extent that boosting to the Brinkley storage tank has become unnecessary. In addition to this cleaning and cement lining approximately 16½ miles of 3in. and 2in. cast iron mains in the Brinkley district have been cleaned by departmental gangs. The improvement of the supply to the hospital was exceedingly urgent and it is felt that the movement of the gang was the right thing to do, particularly as it did not adversely affect the supply in the Brinkley district, in which a considerable expenditure has already been incurred to give improvement in the supply.

It will be seen, therefore, that we were able to do something urgent without causing any real detriment to the people who were secondarily concerned, namely, people keeping stock at Brinkley.

PREFABRICATED SCHOOLROOMS.

Mr. JENNINGS—Has the Minister of Education a further reply to my question of last week regarding the protection from the sun of prefabricated schoolrooms?

The Hon. B. PATTINSON—The position is as I informed the honourable member last week, and since then orders have been placed by the Comptroller of Stores for venetian blinds to protect the northern and eastern windows of the six metal fabricated schools that have been imported from abroad and erected at Enfield, Northfield, Findon, Oaklands, Paringa Park and Ferryden Park. These blinds, which should considerably improve the conditions in rooms facing the sun, will be installed before the opening of the next school year.

WALLAROO SHIPPING TURN ROUND.

Mr. McALEES—The s.s. *Telbank*, a ship of over 9,000 tons, has now been berthed in the Wallaroo harbour for some days and the waterside workers have not been called upon to work overtime on it. Further, I understand that since it has been there another ship has been diverted from Wallaroo. In this matter the complaint usually is that there is not sufficient labour in Wallaroo; but the labour is there. The Federal Minister for Labour (Mr. Holt), said recently that it cost about £800 a day to keep a ship of that tonnage in port; therefore, the Wheat Board or some other authority should see that overtime is worked. Will the Premier see whether something can be done in this matter and whether, perhaps, the member for Ridley may be able to assist him?

The Hon. T. PLAYFORD—I will take up this matter with the honourable member for Ridley for the honourable member.

ROAD CONSTRUCTION COSTS.

Mr. DUNNAGE—Can the Minister of Works, representing the Minister of Roads, indicate the cost of maintaining the Bordertown-Coomandook main road and also the cost of constructing a road that would be suitable for carrying the fast heavy trucks operating on this and other interstate roads?

The Hon. M. McINTOSH—The honourable member asked me last week whether these estimates could be obtained. I must point out that the road mentioned was a well-constructed road prior to heavy transport using it; in fact, it carried the whole of the interstate traffic during the war, including convoys organized by the Defence Department. The construction and reconstruction costs of the Moorlands-Wolseley main road were as follows:—1950-51, £11,302, 1951-52, £39,304; 1952-53, £172,513, and 1953-54 £303,955. In addition to this expenditure an amount of £64,916 has been spent on routine maintenance during the four years, making a total expenditure of £591,988. The total length of roadway is approximately 113 miles, but the above expenditure refers mainly to reconstructed lengths totalling 40 miles, plus partially reconstructed lengths of an additional 20 miles. Work is also in progress on other sections. It is difficult to state a figure for an "average" road as conditions vary to a marked degree in different localities. Perhaps the better way to indicate present-day costs would be by saying that under favourable conditions an expenditure of £6,000 per mile would be reasonable, while if conditions were less favourable the cost might rise to £15,000 per mile, in both cases for a two-lane bituminous surface road, outside the metropolitan area and free from special conditions such as hills, swamps, etc. The cost is anything from £6,000 to £15,000 per mile for the construction of a modern highway, without incurring untoward expense through special conditions such as hills, swamps, etc.

ADELAIDE SYMPHONY ORCHESTRA.

Mr. DUNKS—Can the Premier say whether the Government gets an annual report on the activities and finances of the Adelaide Symphony Orchestra, whether Parliament has any representation on the committee, in what way the Government pays money to the orchestra, and whether the orchestra has any link with a Minister of the Crown?

The Hon. T. PLAYFORD—The orchestra is controlled by the Australian Broadcasting Commission. There is a committee largely constituted by representatives of the commission, on which the Government has two representatives serving in an honorary capacity. From memory, one is Professor Bishop of the Conservatorium and the other is the Under Secretary, Mr. Pearce. From time to time discussions take place between the Government representatives and myself. Originally the money was paid from the Treasury, and I think it still is. The matter of policy has been discussed on a number of occasions. The original agreement drawn up when the scheme came into operation provided for the commission to make appointments to the orchestra and be in control of it except for certain matters of policy in which the Government is interested. The amount provided by the Australian Broadcasting Commission for the

maintenance of the orchestra is very much larger than the State grant, which is only a subsidiary grant. The State Government's interest has been largely directed to seeing that the programmes are balanced and that each year a number of recitals are given in country areas. It is costly to take the orchestra to the country. It is much more profitable to have recitals in the metropolitan area where there are larger audiences and halls. The State Government is interested in seeing that there are a number of popular concerts, and that concerts are given for the benefit of school children. Since the inception of the orchestra I know of no case where the Government has referred a request to the commission that has not been sympathetically received. I believe an orchestra of high quality has been developed. I have been informed that the recitals given in country areas have been greatly appreciated, not only by adults but by school children.

SUBSIDY TO DRIED FRUITS INDUSTRY.

Mr. MACGILLIVRAY—Some time ago I drew the attention of the Premier to the need to grant the dried fruits industry some form of subsidy, in the interests of both the individual growers and the State which has spent so much money on soldier settlement, and he promised to take up the matter with the Prime Minister. Can he say what progress has been made?

The Hon. T. PLAYFORD—Since the honourable member raised the matter I have had representations from other sections of the fruit growing industry. Indeed it appears the movement away from control in Great Britain will not only affect the dried fruits industry, which has already experienced the problem, but the canned fruits industry. We have a special problem in South Australia because the canned fruits grown here are not particularly well balanced. A rather insufficient number of pears is grown to enable the canner to present a balanced pack. Also we have planted too heavily with freestone peaches and there is a shortage of clingstone peaches. The problems are being examined and I am getting, I hope, some conclusive data prepared. During the Parliamentary recess the matter will be pursued, and I will forward to the honourable member a copy of any reply I receive from the Prime Minister.

CROYDON PARK SEWERAGE.

Mr. JENNINGS—I have frequently corresponded with the Minister of Works concerning the extension of sewerage to the unsewered parts of Croydon Park. Last year he promised that money would be set aside in this year's Loan Estimates for that work. During the Estimates debate this year I raised the matter and was informed that the money was provided. Can the Minister now indicate when that work is likely to commence?

The Hon. M. McINTOSH—The member will understand that once approval has been given, surveys have to be made before the work can be undertaken. I am advised by Mr. Murrell, the Engineer for Sewerage, that surveys for the lines of sewers are almost completed and the design and grading of the sewer lines in the area are in course of preparation. It is expected to commence construction of the sewers in March or April next.

EYRE PENINSULA PETROL PRICES.

Mr. PEARSON—From time to time investigations have been conducted into the price of petrol on Eyre Peninsula. In reply to questions I have been told that until additional storage accommodation in bulk is provided no favourable adjustment in the retail price of petrol can be achieved. Has the Premier further examined this matter and can he supply any information on it?

The Hon. T. PLAYFORD—In order to provide for supplies of petrol by drum to Eyre Peninsula it would be necessary to have a differential of about 11d. a gallon. For some time, because of the bulk installations by the Shell Company, it has been possible to get a differential of about 6½d. a gallon. Recently the Shell Company advised me that it proposed to increase its bulk installations on Eyre Peninsula to enable it to provide a service to other companies and to supply the whole of Eyre Peninsula by bulk from Port Lincoln. As a result of that, a reduction has been volunteered by the companies ranging from 3½d. a gallon at Port Lincoln to 3d. a gallon for the area roughly covering Wanilla, Kapinnie, Lock and Arno Bay with graduated reductions of 2½d. a gallon downward to the more distant points. In the case of power kerosene the reduction will be 3d. a gallon at Port Lincoln and southern Eyre Peninsula with similar graduated reductions in the northern areas. For example, the prices of petrol and power kerosene at Cowell will be reduced by 2½d. a gallon and from Warramboo to Minnipa by 2d. a gallon. I greatly appreciate the enterprise of the Shell Company in providing these bulk installations.

RENTS OF GOVERNMENT HOUSES.

Mr. O'HALLORAN—Can the Premier say whether any decision has been arrived at by the Government following on a deputation from the Opposition suggesting that His Honour Sir Kingsley Paine be appointed to consider appeals against the recent increases in the rents of Government homes?

The Hon. T. PLAYFORD—Yes. As promised the deputation, I submitted to the Leader a letter setting out the views of the Government, to which he replied suggesting some slight amendments which were acceptable to the Government. The Government has approved of Sir Kingsley Paine being appointed and I have already discussed with him the questions involved in reviewing individual applications in connection with the rentals fixed for Government houses. A number of applications have been made and each of them will be forwarded to Sir Kingsley. I believe he will require the applicants to set out the reasons for application on a document that he will supply. He will then immediately investigate the applications. It must be clearly understood that Sir Kingsley will have an absolute discretion in this matter and he may recommend either a decrease or an increase as he believes proper.

RAIL CARS IN SOUTH-EAST.

Mr. FLETCHER—On December 1 I asked a question relating to the use of rail cars on the South-Eastern line. Has the Minister of Works, representing the Minister of Railways, any reply?

The Hon. M. McINTOSH—I have received the following reply from the Minister of Railways:—

Six of the new rail cars have been completed except for the installation of the gear boxes and the engines. However, I am unable to say when these rail cars will be available for traffic until the date of the delivery of the hydraulic transmissions is known. These transmissions are to replace the Cotal gear boxes which proved unsatisfactory.
When more information is available I will ask my colleague to let the honourable member have it.

LEONARD STREET, BEVERLEY.

Mr. John Clark for Mr. HUTCHENS (on notice)—

1. When was Leonard Street, Beverley, closed?

2. Were all requirements of the Roads (Opening and Closing) Act complied with in the closing of Leonard Street now built on by Pope Products Ltd.?

The Hon. C. S. HINCKS—The replies are:—

1. July 27, 1940 (see *Government Gazette* of that date).

2. Yes.

BULK HANDLING OF WHEAT.

Mr. HAWKER (on notice)—

1. Is there a loss on the operation of the bulk handling of wheat system in New South Wales, Victoria and Western Australia?

2. If so, is this loss debited against the Wheat Pool in the particular State in which the loss occurs or against the whole Wheat Pool?

The Hon. M. McIntosh, for the Hon. A. W. CHRISTIAN—The State Superintendent of the Australian Wheat Board has advised as follows—

1. I have no information as to the financial results of the operation of the bulk handling wheat installations in New South Wales, Victoria and Western Australia. The New South Wales and Victorian installations are State utilities whilst the Western Australian installation is owned by a farmers' co-operative organization.

2. The only cost debited to individual growers, whether for bulk or bagged wheat, is the freight differential from point of delivery to the nominal terminal. All other costs are absorbed by each respective pool on a Commonwealth basis—that is to say, all handling, storage and shipping costs are shared equally by all wheat growers in all States irrespective of the costs incurred in any particular State.

Mr. STOTT (on notice)—

1. Is the cost of handling wheat in bags in South Australia more expensive than handling wheat in bulk in the States of New South Wales, Victoria and Western Australia?

2. If so, what is the average difference per bushel for the past three years?

3. Is this extra cost debited against the whole Wheat Pool?

4. If so, what is the average cost per bushel for the past three years borne by the wheatgrowers in the States of New South Wales, Victoria and Western Australia to benefit the wheatgrowers in South Australia?

The Hon. M. McIntosh for the Hon. A. W. CHRISTIAN—The replies are:—

1. Yes.

2. 3.916d. a bushel.

3. Yes.

4. 0.680d. a bushel over all wheat received in Commonwealth pools.

MOONTA MINES ELECTRICITY SUPPLY.

Mr. McALEES (on notice)—

1. Has the Electricity Trust yet fixed a date for commencement of the work of extending

the electricity supply undertaking to Moonta Mines?

2. If so, when is it proposed to commence installation?

The Hon. T. PLAYFORD—Low tension work at Moonta Bay and high tension to North Moonta are now in hand. Following the completion of these works, low tension will be put in hand at North Moonta. The trust expects to start work in the Moonta Mines area early in the New Year. This will take about six weeks and power will then be available.

PARLIAMENTARY PAPERS.

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

That it be an order of this House that all papers and other documents ordered by the House during the session, and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the Speaker in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the House cause such papers and documents to be distributed amongst Members and bound with the Votes and Proceedings; and as regards those not received within such time, that they be laid upon the Table on the first day of next session.

Motion carried..

SUPERANNUATION 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 Superannuation Act, 1926-1951.

Motion carried.

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

ROAD AND RAILWAY TRANSPORT 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 Road and Railway Transport Act, 1930-1939.

Motion **carried.**

Resolution agreed to in Committee and adopted by the House.

ROAD TRANSPORT ADMINISTRATION (BARRING OF CLAIMS) BILL.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That I have leave to introduce a Bill for an Act to bar certain claims against the Transport Control Board and other public authorities, and for purposes incidental thereto.

Mr. STOTT (Ridley)—I ask the Premier whether it is the intention of the Bill to put Parliament and the Government outside the realms of law?

The Hon. T. PLAYFORD—No.

Motion carried. Bill introduced and read a first time.

The Hon. T. PLAYFORD—I move—

That this Bill be now read a second time.

The object of this short Bill is to prevent claims being made against the Transport Control Board or any other Governmental authority or officer for recovery of any licence fees or permit fees paid in connection with the administration of the Road and Railway Transport Act. When the decision of the Privy Council in Hughes and Vale's case was made known, it was recognized that carriers who had paid fees for interstate licences or permits, particularly those who had paid under protest, might have a claim for repayment and several lawyers who have investigated this question on behalf of the States have expressed the view that such claims would probably be well founded in law. One claim has already been sent in to the Transport Control Board and no doubt a number of others would be made if the first were successful. It would, however, be decidedly inequitable and unfair to taxpayers if these fees had now to be refunded. The fees collected have not been extortionate and are probably no more than would have been collected had we charged the persons concerned a reasonable fee for the use of our roads and the ordinary motor registration fees. This State has not taken the action taken in other States regarding interstate road transport; we have never imposed a road tax of 3d. a ton-mile. The fees charged in many instances have been merely nominal; for instance, the highest has been £5 for each interstate trip. The Government has not charged hauliers from other States any registration fees and it is proposed to introduce a Bill compelling hauliers from other States to pay the same registration fees as South Australians pay.

Mr. Dunks—If the haulier's home is in South Australia he will have paid the fee.

The Hon. T. PLAYFORD—Yes, but the vast majority of these hauliers are from other States and in the past have paid no fees towards the upkeep of our roads, except the meagre amount collected by the Transport Control Board. In some instances this is merely a nominal fee of 2s. 6d. a trip. Had they been forced to pay the normal registration fees payable on comparable vehicles owned by South Australians their fees would have probably been greater than those paid in the past. As I have said, for some years now interstate vehicles—even the largest types of commercial vehicles—if registered in another State, have been exempted from registration fees under our Road Traffic Act. These fees, particularly those applicable to diesel engined vehicles, are substantial, and the exemption from them has been a valuable concession to traders, manufacturers and carriers. If, in addition to these concessions, these persons are now granted a refund of their licence and permit fees, it would be, to say the least of it, an injustice to the taxpayers of South Australia. Another aspect of this question is that the persons who have paid the Transport Control Board's fees have almost certainly reimbursed themselves by allowing for them in prices or other charges, which are eventually borne by the general public. If they now received refunds it would be an additional and unexpected profit to them, at the expense of the taxpayer. For these reasons there is a strong justification for barring claims to recover any licence or permit fees paid to the Transport Control Board.

Mr. Macgillivray—Is it a fact that the consignors who have used the hauliers' vehicles in the past now demand that they should benefit from any refund of fees?

The Hon. T. PLAYFORD—No; in fact the road hauliers have admitted that the system operating in this State has been fair, and unless some greedy carrier opens up the matter probably no claim will be made. I point out that it would be impracticable to pass on the benefits of such refund to consumers, because it would be impossible in most cases to ascertain who were the consumers. Further the cost has been passed on to the customer who has bought the goods. We are not in the same position as New South Wales, where a case was taken to the Privy Council. It is only an assumption in law that the repayment of fees can be claimed. If it came to legal argument I am sure we could put up a good case to prove that no claims could be substantiated because we had not demanded any road tax. The Government considers it desirable to make it quite clear that it is not liable to pay damages to any person who has been refused a licence for interstate carriage, or on the grounds of any terms and conditions included in the licence. Two kinds of persons are involved. There is the man who obtained a permit and the one who did not get one. Under the Privy Council's judgment both could conceivably have a case. It is not clear whether these claims are valid in law but whatever the law may be the position is that any action taken by the Transport Control Board was taken in good faith, in the interests of the general public, and in accordance with what everybody believed, for very good reasons, to be the law of the land. The actions of the board were, in fact, supported by previous decisions of the High Court and Privy Council. There is no reason, therefore, why the taxpayers should now have to find money to compensate individuals for administrative action taken in these circumstances.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Having obtained leave, the Hon. T. PLAYFORD introduced a Bill for an Act to amend the Workmen's Compensation Act, 1932-1953. Read a first time.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Before giving the report on the Bill I will deal with the circumstances surrounding its introduction. There has been some speculation in the press about the Bill and it is proper for the matter to be placed in its true perspective. At the last elections the Government said that if possible workmen's compensation should be taken out of the political field and that instead of the previous haphazard method, a committee representative of employers and employees, with a Government chairman, should be appointed to investigate workmen's compensation matters, particularly the compensation rates, following on the rapidly changing value of money. The committee presented some recommendations last year and they were accepted by Government and Parliament, and are now the law. This year the Leader of the Opposition submitted matters which he thought should be referred to the committee. They were referred by the Government, and the committee of its own volition, having a perfect

right to do so, considered other matters. In due course a report was presented to the Government. Without having read what was in the report handed to me by Mr. Bean I said that my colleagues in Cabinet would be happy to introduce a Bill. Instructions were then given for a Bill to be prepared to give effect to the recommendations. Amongst the representatives on the committee there were two dissentients. The employers' representative dissented from the committee's view, but he signed the final report, on the proposed abolition of the deduction of the weekly payments made for injury in certain instances. It was a normal dissent, something to be expected at any time with a report. The dissent by the employees' representative was far-reaching. It was given publicity prior to the submission of the report and Cabinet considered this in a serious light. It instructed me to refer the matter back to the committee because it was felt that it would be futile to introduce a Bill that was not agreed to by both the employers' and employees' representatives. I gave the following instructions on the matter to the chairman of the committee:—

Your comments of the 1st inst on the suggested amendments to the Workmen's Compensation Act and the publication of the report before it had been seen by the Government are noted. I point out for the information of the members of your committee that the committee was appointed to advise the Government on the provisions and improvements to the Workmen's Compensation Act and the purpose of appointing an independent committee was to keep this sort of thing outside the ambit of politics. The Government has been prepared in the past to accept the recommendations of the committee when they have been made in the spirit in which the committee was appointed. I have noted the statements made by Mr. O'Connor, especially that alleging bias on the part of the committee in favour of insurance companies. Remarks of this nature, and other remarks by Mr. O'Connor in his minority report, surely bring considerations of the Workmen's Compensation Act into the political arena. The Government is not therefore prepared to proceed with this Bill under these circumstances. The Government does not require or expect that every recommendation of the committee will be unanimous and would not refuse to introduce a Bill into the House because a unanimous recommendation had not been made by the advisory committee, but when the committee's decisions are made in the atmosphere which has been created by the remarks made by Mr. O'Connor the Government will not proceed with legislation arising out of this type of atmosphere. The Government is concerned with the position which has arisen as it is doubtful whether the advisory committee can continue to exist under these circumstances. The Government accepts your explanation as to the publication of the report in the *Advertiser* before it was forwarded to the Government.

I received a deputation from the United Trades and Labor Council of South Australia on the matter. It pointed out that if the Bill were shelved for a year, or until the next time Parliament could consider it, many persons suffering injury would be adversely affected. The deputation asked that the Bill be proceeded with and that other workmen's compensation matters be argued later. I said that Cabinet had already reached a decision on the matter, and that it would be necessary to get clearly the views of the employees' representative for the information of Cabinet. I received a complete answer in the following letter sent to me by the secretary of the Trades and Labor Council:—

Please find enclosed copy of resolution which was unanimously carried at a special executive meeting of the United Trades and Labor Council of South Australia on Monday, November 29, which I now forward to you as promised during the discussion with the deputation which waited on you on Tuesday, November 30, 1954:—

That a deputation consisting of the president and secretary of Council with Mr. P. W. Trevorrow wait on the Premier requesting that he give effect to the majority decisions of the Workmen's Compensation Advisory Committee's report; further the Premier be informed that the executive does not associate itself with the submission of the separate minority report.

I have accepted the view of the council. When members see the report they will realize that if the Bill were held up it would be to the undoubted detriment of persons suffering injury within the next six months at least. I agree with the executive of the Trades and Labor Council that it is much better to pass this legislation and argue the point about other aspects later than to delay the matter because the Bill is not entirely acceptable in every respect to all sections.

This Bill carries into effect the recommendations recently made by the committee appointed to review the Workmen's Compensation Act. It also contains some amendments to the laws relating to compensation for silicosis. These latter amendments have been recommended by the Government officers concerned with the administration of these provisions. I propose in this report merely to give a short explanation of the clauses as they occur, with some of the principal reasons which may be urged in support of them. In its report last year the committee pointed out to the Government that the rates of compensation in Australia were then in process of being

changed. At that time Bills were before the Parliaments of Queensland, New South Wales, Tasmania and Western Australia, and subsequently one was introduced by the Commonwealth. All these Bills were passed. The result of this legislation was that the average maximum compensation payable on death, as fixed by the laws of the various Australian Parliaments, increased from £1,790 to £2,270 and the average maximum for incapacity from £1,960 to £2,478. The present maxima in force in South Australia are higher than the average of those in force before the changes made throughout Australia by last year's legislation, but having regard to the increases made in the other States last year it appears that an increase of about £250 is justified in the maximum compensation payable for death and also in the maximum for incapacity. The Australian legislation of last year also justified a review of the existing rates of weekly payments in South Australia and in the amount allowable for medical and hospital expenses. These matters also are dealt with in the Bill.

Clause 3 raises the maximum amount of compensation payable on death from £2,000 to £2,250. The child allowance which is payable in addition to the lump sum is raised from £75 to £80. In addition to these increases the clause makes an important change in the law by the provision that any amounts paid before the death of a workman as weekly payments for total or partial incapacity shall not be deducted from the compensation payable on his death. The previous law was that these deductions were to be made and thus it could happen that the amount payable to a widow on the death of her husband would be appreciably reduced by what had been paid to him in his lifetime. Provisions for the deduction of these weekly payments were in most workmen's compensation laws when this type of legislation was first passed, but a number of Parliaments in British countries have now repealed such provisions. In view of the position in the other States of Australia, it is considered that this State is no longer justified in retaining them.

Clause 4 increases from £40 to £50 the amount allowable as the reasonable expenses of the burial of a workman who has died without dependants. This increase is based on increases in the cost of funerals, and the amount allowed in other States.

Clause 5 deals with the maximum amount of the weekly payment of compensation for incapacity. It raises this maximum from £12 to £12 16s. As a corollary the child allowance is raised from 15s. to £1 and the wife's allowance from £2 to £2 10s. All these increases are justified by increases which have been made in the Australian States since last year. New South Wales increased the weekly maximum from £9 to £12 16s., thus adopting the rate which was prescribed in Victoria in April, 1953. Queensland removed the maximum of £8 7s. and provided that the payment during incapacity should not exceed the average weekly earnings. Tasmania removed its previous limit of £11 5s. and provided for 75 per cent of the average weekly earnings. Western Australia alone retains its previous limit of £10. In view of these various changes the committee thought that the adoption of the rate of New South Wales and Victoria was justified in this State, and recommended accordingly. Clause 5 also deals with the maximum total amount payable as compensation for incapacity. I have previously mentioned that the rates now prescribed by other States justify an increase of £250 in this State. This is provided for in clause 5 which raises the maximum compensation for incapacity from £2,250 to £2,500.

Clause 6 deals with the amount allowable as medical and hospital expenses, and is more far-reaching than may appear at first sight. It raises the maximum amount ordinarily allowable for these expenses from £100 to £150, and also provides that in cases where the expenses actually and reasonably incurred by the workman exceed £150 a special magistrate shall have power to order that the workman be paid such additional amount as is required to meet such expenses. Thus the total effect of the clause is that the workman will be able to obtain the full amount of the medical and hospital expenses actually and reasonably incurred by him. The fact that amounts in addition to £150 may be ordered by a special magistrate does not mean that in every case an application to a magistrate will be necessary. On the contrary, when it is clear that any particular amount of expenses was actually and reasonably incurred there is little doubt that they will be paid without any such application.

Clause 7 increases the fixed rates of compensation for the specific injuries named in section 26 of the Act in accordance with the increase in the maximum amount payable for total incapacity. It is proposed that the payments for the specified injuries will be percentages of £2,500 instead of percentages of £2,250. Another important provision of clause

7 is that when a lump sum is paid for a specific injury, weekly payments which have been made in respect of the same injury will not be deducted. This will, in many cases, make an appreciable difference to the amount paid. It is a marked improvement in the system of compensation from the point of view of the workman and has gradually been adopted in the other Australian States. The precedents for it justify its introduction here.

Clauses 8 and 9 deal with compensation for silicosis. Clause 8 deals with the conditions of compensation. Under the present law a workman cannot obtain compensation under the silicosis scheme unless he has been resident in South Australia during the five years immediately preceding the date of his disablement and has during that period been employed for at least 300 days in one of the industries or processes involving exposure to silica dust. Owing to the influx of workmen into South Australia from other States the requirement of five years' residence as a condition of compensation sometimes causes hardship and the Silicosis Committee has recommended that it should be repealed. Clause 8 therefore contains amendments to provide that, irrespective of the time for which a workman has resided in South Australia, compensation for death or disablement caused by silicosis will be payable, if the silicosis is wholly or mainly attributable to employment in South Australia.

Clause 9 makes some minor alterations respecting the matters which can be included in the silicosis compensation schemes under Part IXA of the Act. It is provided by the Bill that the terms of a scheme can empower the Minister to reduce the rate of subscription payable by employers to the silicosis compensation fund in cases where the works of such employers are constructed so as to reduce the risk of silicosis, or if the materials used at the works have a low silicosis content. The clause also provides that a scheme may empower the Silicosis Committee to impose an additional subscription of 10 per cent on any employer who does not pay his subscriptions to the scheme within one month of the appointed time. It is also proposed that existing schemes for silicosis compensation may contain a clause that failure to comply with the scheme shall be an offence. In connection with this, it may be pointed out that silicosis schemes are very much like regulations in that they are laid before the House and may be disallowed.

From what I have said it will be obvious that this Bill confers substantial benefits on workers and if it is passed the South Australian law as to workmen's compensation will, on the whole, be well in line with Australian standards. I hope that the conditions under which this Bill has been introduced will not prejudice its passage because it confers very real benefits upon those workmen who are suffering from total injury and on the families of workmen who die in the course of their work.

Mr. O'HALLORAN (Leader of the Opposition)—I agree with the Premier's hope that this Bill will pass because of the benefit it confers upon workers who are unfortunate enough, because of injury, to become eligible to the benefits provided under workmen's compensation legislation. The Opposition, of course, had nothing to do with the historic background of the introduction of this Bill. It was not a party to the original constitution of the committee. The United Trades and Labor Council was, quite properly, associated with it because it represents the workers mainly concerned with workmen's compensation. The Labor Party, as represented by the Opposition, has had a firm policy on workmen's compensation for many years. If members will review the history of amendments to this legislation they will realize that the Labor Party has been seeking to implement its policy for many years and that the Government of the day has given way bit by bit, and thereby many important improvements to workmen's compensation have been achieved.

I do not disagree with most of the submissions made by Mr. O'Connor in his suggestions that were forwarded to members and which, I understand, were forwarded to the Government. They are in line with the policy of the Labor Party; in fact, they were included in the Bill which I brought down on behalf of the Opposition three years ago and which was fought tenaciously by the Government. I have little doubt that they will be included in another Bill that will be introduced by the Opposition in the not distant future.

The Trades and Labor Council, which is the authoritative body to speak on behalf of the trade union movement, has, through its executive, asked the Government to introduce this Bill. The Labor Party believes that it marks a substantial improvement in the conditions associated with workmen's compensation, and that is why I did not seek the adjournment of the debate, because I feel that as the session will end this week it is advisable for the House to discuss the Bill. Further, it is advisable that members of another place should have the opportunty of discussing it,

and not be able to say that they would be justified in postponing it because time did not permit them to fully debate it.

The maximum compensation payable in the event of death and the maximum compensation for those totally and permanently incapacitated will be increased by £250. The weekly payment for a married man will be increased by 16s., and there will also be an increase in the allowance for a wife and children which, together with three-quarters of the wages provided for in the original legislation, will mean that practically all married men employed in industry who are unfortunate enough to be injured will be able to obtain the maximum weekly payment of £12 16s. The amount allowable for medical expenses, etc., will be increased by £50, and there is provision for additional expenses to be paid if there is satisfactory evidence that they were incurred in the course of treatment. The funeral expenses allowance is to be increased from £40 to £50 which, although not adequate, is a substantial increase.

The main point that impels me to regard the passage of the Bill as urgent is the provision that Labor members have been urging for years, namely, that there shall be no deduction of weekly payments from lump sum compensation. I have known many cases in my own electorate where workers, particularly railway employees, have, as the result of accidents, lost an arm or a leg, for which they were entitled to a substantial percentage of the total amount of compensation available. However, owing to their long illnesses they found on discharge from hospital that a substantial part of the lump sum compensation had been absorbed by the weekly payments. The weekly payments are intended to sustain a workman and his family during his incapacity, but the lump sum for the loss of a limb, or for any other serious disability, should be regarded as compensation to him for his permanent loss of earning capacity. By this Bill we are at last putting that aspect of compensation on the proper plane, and in future lump sum payments will not be reduced by the weekly payments made. Further, as a result of the increase in the maximum amount of compensation the percentages listed in the schedule for the loss of an arm, finger, etc., will result in increased amounts becoming payable to workers injured. The section dealing with silicosis is satisfactory from the worker's standpoint, and I support the second reading.

Mr. LAWN (Adelaide)—The Premier gave us some explanation of the circumstances under which the Bill has come before the House. However, we have not a copy of the Bill in front of us, and in debating it we must rely on our recollection of what the Premier said. We should have a copy of the Bill in order to study it, but because the Government wants to prorogue Parliament this week several matters have to be dealt with hastily so that they can be considered by the Legislative Council. The Premier said that in his policy speech before the last elections he stated he would appoint a committee to consider workmen's compensation and take it out of the realm of Party politics, but that policy was rejected by the people. About 47,000 more people voted for Labor than for the Liberal and Country League. The policy speech made by the Leader of the Opposition contained a statement that many improvements would be made to workmen's compensation, and the people endorsed Labor's policy. However, the Premier retained office because of a gerrymander of the electorates, and appointed a committee. I stress that the committee includes a representative of the Trades and Labor Council, but not of the Australian Labor Party. Last year Parliament did not have time to fully discuss the Workmen's Compensation Act Amendment Bill that was before it, but the Premier said:—

> The member appointed in the interests of the employees states in the report that he would have gone further.

I give full marks to Mr. Eric O'Connor, the employees' representative, for I too would have gone further. Mr. O'Connor was told he would have time during the next few months to discuss with the other members of the committee those matters that he wanted brought forward. Mr. O'Connor, being a tolerant and patient man—for all workmen have to be patient and tolerant—accepted the position and concluded that he would be able to discuss those questions. He had some success, but was not able to obtain all the recommendations he desired, so he exercised a right, which is a right of all members of committees, to submit a minority report, but then the Premier objected to the report because the press published it before he received it. I ask members, how often has the Premier made statements in the press about various projects and legislation before the House hears of them? We were informed through the press of the Government's intention to bring down a Bill in regard to road transport, but it was introduced only this afternoon. Another Bill was introduced in the Legislative Council recently, but not until statements had

been made in the press by the Minister of Health concerning it. Members of the Legislative Council had no knowledge of them and did not even have copies of the Bills before them; therefore how can the Premier criticize the workmen's representative on the committee for making certain statements before the Premier knew the committee's findings? According to the Premier the Trades and Labor Council stated that the executive is not associated with the minority report. He said that he received a letter from the council on November 29; but on the evening of Friday, November 26, the executive recommended to the council something quite the reverse of the terms of that letter. I was a delegate at that council meeting, which was told that the executive agreed entirely with Mr. O'Connor's statement. Further, no criticism of Mr. O'Connor was voiced by the executive at that meeting. At the meeting I commended the executive for the stand it took in that recommendation. I do not know what will be said at the next council meeting in view of this somersault by the executive, which is now prepared to kick Mr. O'Connor.

Although I disagreed with the appointment of the committee I give full marks to Mr. O'Connor for his attitude. The Premier said one of the reasons for the establishment of the committee was the rapid change in money values and its consequent effect on workmen's compensation, but I remind him that since this committee made its last report money values have been altered again by the recent decision of the Arbitration Court to increase workers' margins. The tradesmen's margin is to be increased from 52s. to 75s. and other rates are to be adjusted accordingly. I understand that the committee's report was finalized before the publication of the Full Court's judgment. Therefore, if the Premier is sincere in his statement he should ask the committee to have another look at this matter in the light of the Arbitration Court's judgment. The Premier said that the committee had recommended an increase to £2,250 in the lump sum payable on the death of a workman; but he also said that the Australian average in this respect was £2,270 and the Australian average amount payable for incapacity £2,478.

The Hon. T. Playford—That is not what I said.

Mr. O'Halloran—It is in the copy of your speech.

The Hon. T. Playford—Then it must be a misprint.

Mr. LAWN—Members have neither a copy of the Bill nor of the Premier's second reading explanation.

The Hon. T. Playford—If the honourable member wants the Bill adjourned he has only to say so.

Mr. LAWN—How petty the Premier is. It is the responsibility of the Government to govern, to introduce legislation, and to decide how long the House will sit. I am willing to attend sittings of the House early in the year; in fact, for many years the Leader of the Opposition has advocated two sessions each year. Members on this side are willing to sit every week of the year. I have been elected to represent the people and to attend to legislation; but the Government is not prepared to do this adequately. The Premier says, "If you dare to criticize this Bill and say that it provides £20 less than the Australian average as the lump sum payment in the case of death, the Bill will be withdrawn." No doubt if the Bill were withdrawn the Premier would tell the workers of this State that it was the fault of members on this side. Let him tell the workers! Why is the amount payable on the death of a worker £20 below the Australian average? If this State is as prosperous and progressive as is frequently alleged, the sum payable should be above the average.

This legislation should be made to cover cases of workers killed or injured in travelling to and from their places of employment. Recently a man who was about to alight from the train at Finsbury fell beneath the train and was killed. Although he was at the time in the Finsbury workshop area, it could not be claimed that he was on the property of his employer, a firm making aircraft components for the Department of Aircraft Production, and therefore compensation was not payable. Yet if it had been the Department of Aircraft Production that was producing those parts and not Chrysler's, and if that man had been employed by the department, his widow and five children would have received a sum on account of his death. As it is workmen in the factory are taking up a collection for the widow and children, but how can they be expected to provide adequate compensation for his loss. Recently another workman, who worked in a boot factory, was walking up to the clock to clock on when he collapsed and died. In other States his widow and children would have received compensation; indeed, had he been an employee of a Commonwealth department in this State and died under similar

circumstances they would have received it. Yet they were not entitled to it in this case. Why must South Australia be behind the other States in this respect? The Liberal and Country Party has always opposed progress and it is doing so today.

Mr. TRAVERS (Torrens)—The matter of workmen's compensation is important and, as far as it can be extended, generosity in this matter is to be commended. Indeed I feel that the Premier is to be commended for the generous approach he has made in the face of difficult circumstances that have been occasioned by the actions of a member of the Workmen's Compensation Committee. This Bill introduces a principle with which I cannot agree. I feel some sympathy with the member for Adelaide when he protests against being called upon to discuss the Bill without having a copy of it. After all, this matter is important from many viewpoints, including those of the workman, of his dependants, and of members of this House who are being asked for the first time to adopt a principle that has never before been accepted in this State: the principle of not deducting from the lump sum any weekly payments that have been made. I do not suggest that anyone is at fault in this matter; I believe that the Premier simply desires to give to workmen at the earliest possible moment the benefits to which he, after reading the committee's report, considers they are entitled. Wherever the fault may lie (if fault there is), or wherever misfortune may lie (if misfortune there is), in not having the Bill before us, I am strongly opposed to being asked to deliberate on a Bill that I have not been able to study.

Members must consider what they want to bring within the ambit of workmen's compensation. Workmen's compensation is completely different from common law damages, and although it is true that a man would not willingly lose his arm for a certain sum, that is beside the point in workmen's compensation. Workmen's compensation is a matter of comparatively recent origin and is a thing to be encouraged because it saves much suffering by many worthy people. We must not, however, be swept away by sentiment. We should ask ourselves, "Do we wish to deal with workmen's compensation or to go on extending it until we have a sort of life insurance?" We should keep the two things separate. I gathered from the Premier's speech that other States have introduced this principle of doing something in the way of life insurance by giving a total payment for loss of life, notwithstanding the amount of the weekly payment made before death. After all, that is not within the original concept of workmen's compensation. I am not saying that it may not be a good thing to extend the form of social service as far as that.

Undoubtedly, every one would like to be as generous as possible in regard to workmen's compensation, but we must bear in mind that it costs money, and industry has to bear the cost. When we are competing in other markets we must carefully consider how far we are costing ourselves out of those markets by our generosity. We must see that we do not load industry with too great a cost. I stress that I am not implying that an injured man should have to suffer without any compensation, but we must remember that there are three avenues open to such a man: workmen's compensation, employers' liability benefits, and action at common law. Common law damage is the sum that the law will give a man when someone commits a wrong towards him and he suffers as a result. For instance, the wrong may consist in driving a motor car negligently and running into him. The standard set there is to fully recoup the man for his loss, insofar as money is capable of doing so. Under employers' liability the provision is on a more generous scale than under workmen's compensation. In this case the man suffers damage by reason of a defect of some kind in the plant or equipment of the employer.

Mr. Davis—Negligence on the part of the employer.

Mr. TRAVERS—Not only negligence; it goes beyond negligence. It covers defects, whether produced by negligence or not. There is some moral blame upon the employer who has allowed his plant or machinery to become defective. Workmen's compensation was originally something totally different from those two things. It did not involve any wrongdoing by anyone or any defect in the equipment or gear of the employer. It was designed to provide sustenance for a workman and his family. It was not a punishment, nor designed to sheet home to anyone any liability for any wrong that he had done.

Mr. Riches—Wasn't it designed to compensate an employee for loss of earning capacity?

Mr. TRAVERS—It was to keep him going, or to give him a lump sum for the loss of a limb, for instance. Originally the injured man was paid half wages during invalidity and, of course, lump sum payments were much

smaller than they are now, but later a schedule was included in the Act which provided certain sums for specified injuries. It was a rule of thumb method and provided percentages of the total compensation for various types of injury. Until now, if the employee received weekly payments and subsequently settled on the basis of the schedule those weekly payments were deducted from the amount set out in the schedule. If an employee subsequently died the weekly payments he received prior to death were subtracted from the total amount payable. The Bill has abandoned that principle and includes a cumulative provision. I stress that we are going far beyond the original concept of workmen's compensation. For instance, the loss of an arm does not necessarily mean that the arm has been chopped off. An employee is considered to have lost an arm if it is of no more use to him in his job. It may become apparent after a long period of treatment that the arm cannot be restored. The percentage payable for the loss of the right arm is 80 per cent of the total compensation payable. The employee might receive weekly payments of, say, £12 16s. He could go on receiving those payments until he had received within £1 of £2,000.

Mr. O'Halloran—Except that after six months either party could apply for a determination on a lump sum basis.

Mr. TRAVERS—Yes, but that does not necessarily mean that an order will be made accordingly.

Mr. O'Halloran—In how many cases is an order not made?

Mr. TRAVERS—I do not know, but I could quote plenty. The Bill raises the amount payable for total disability to £2,500. Eighty per cent of that is £2,000. The employee may go on collecting his weekly payments while undergoing treatment until he has received £1,999. If he received £2,000 the schedule would not apply and the employer would be entitled to a discharge from liability. If on the next day after receiving £2,000 it became apparent that the arm was a complete loss the employee would not be entitled to another penny, but if this became apparent when he had received £1,999 he would be entitled to another £2,000.

Mr. O'Halloran—Next session we shall be able to amend that provision, with your help.

Mr. TRAVERS—I think the present provision should stand until it has received proper consideration. We should see now whether it should be amended. I am not in favour of passing a Bill that obviously stands in need of amendment. Secondly, whereas a man who has suffered an accident resulting in the total loss of earning capacity is entitled to receive £2,500 and no more, the man in the case I have mentioned who is left with only one arm, but who is otherwise fit and well, would be entitled to receive £3,999. That does not make sense.

Mr. Dunks—Has that man any recourse to common law as well?

Mr. TRAVERS—There is an alternative under which the man may make an election if he has the right to claim at common law. He can claim either under workmen's compensation or at common law, but he cannot receive payment under both.

Mr. Riches—The £2,000 may well have gone in sustenance and medical expenses, leaving the worker with only £2,000 for the rest of his life.

Mr. TRAVERS—Possibly, but it seems strange that the man who is left with no earning capacity should have only £2,000. The amount of compensation payable in the event of death has been increased from £2,000 to £2,250, and the same criticism applies here. If a worker is sick for a long period he may receive almost £2,250 in weekly payments. If he receives the full amount of £2,250 and dies the next day his dependants will get nothing because the full liability has been discharged, but if he dies before receiving the full £2,250 his dependants are entitled to the full amount, which may give a total benefit of almost £4,500. This seems to me to be purely a principle of life insurance. If industry can afford to insure the lives of workmen and still compete in the world's markets against other producers who are not forced to meet these liabilities I favour the principle, but we should not increase the amount without having our eyes open and realizing that we are increasing it from a possible maximum of £2,000 to double that amount.

Mr. DAVIS (Port Pirie)—I am sorry that I have to debate this most important Bill without a copy in front of me. I have to depend on what I heard the Premier say in his second reading explanation and, after hearing him, when the honourable member for Adelaide was speaking, deny certain figures quoted by the honourable member, I am not sure what is in the Bill. I know, however, that it embodies certain increases. Although I listened with much interest to the member for

Torrens (Mr. Travers), I cannot understand his argument regarding the insurance of workmen.

Mr. Dunks—I thought Mr. Travers' arguments were very plain.

Mr. DAVIS—I would not expect the member for Mitcham (Mr. Dunks) to understand anything about this legislation or about the worker himself. Mr. Travers argued against the worker receiving a certain lump sum after he had been declared by a doctor to be incapacitated. I consider, however, that if a worker is unfortunate enough to meet with an accident that results in the loss of a limb he is entitled to at least the sum set out in the schedule to the Act. The sum he receives during the term of his treatment is after all only money received in lieu of wages; therefore, if that sum is eaten up by sustenance and medical expenses he would, under Mr. Travers' proposal, receive nothing for the loss of his limb. The worker who loses a limb should be compensated for its loss.

I consider the amounts of compensation provided are not sufficient. Members on this side have for several years tried to impress on the Government the necessity for reasonable compensation for injured workmen. When a man is off work and laid up through sickness he should receive his full wages because he cannot live any more cheaply then than when he is working. In fact it probably costs him much more to live under those circumstances, and it is wrong for any member to try to tell the House that a man is not entitled to a lump sum merely because he has received certain benefits by way of weekly payments. How does Mr. Travers expect a worker to live during the period when he is incapacitated through accident?

Mr. Dunks—How do you expect the boss to pay him?

Mr. DAVIS—In the same way that he does today. I have not heard any employer crying poverty for many years. Further, the employer will doubtless pass on to the consumer the cost of any benefits the worker may receive under this legislation.

Mr. Dunks—If he can collect it.

Mr. DAVIS—I am surprised to hear the ridiculous interjections from the member for Mitcham. No doubt he would like to see the workers on the bread line all the time.

Mr. DUNKS—Mr. Speaker, I ask that the honourable member withdraw that statement.

The SPEAKER—I call the honourable member for Port Pirie to order. I think he is reflecting on the honourable member for Mitcham.

Mr. DAVIS—So that I may speak further I will withdraw that statement. I have been on the bread line.

Mr. DUNKS—Mr. Speaker, has the honourable member withdrawn his statement?

The SPEAKER—Yes. He must not be personal.

Mr. DAVIS—The honourable member for Mitcham is trying to be personal.

The SPEAKER—I called the honourable member to order.

Mr. DAVIS—I have never heard the honourable member for Mitcham say anything in favour of the worker since I have been in this House.

Mr. Dunstan—He is always crying "survival of the fittest."

Mr. DAVIS—That is so. He has no sympathy—

The SPEAKER—I remind the honourable member for Port Pirie that the honourable member for Mitcham is not in the Bill.

Mr. DAVIS—I was discussing the interjection of the honourable member for Mitcham, and I think I had a perfect right to do so. I am disappointed that the Bill has not gone further. Members on this side claim that the sum payable to a widow or any other dependant because of the death of the bread winner is insufficient, yet the member for Torrens said that industry had to meet the costs of the increased benefits provided by the Bill and that therefore they were too great. He told members to consider the costs to the employer of benefits payable under this legislation as well as damages resulting from actions at common law; but I say that the employer who is not prepared to protect his employee should be heavily penalized. How can the member for Torrens assess in money terms the loss of the life of a worker who leaves behind him a widow and children without a bread winner? I was surprised at his arguments.

Members on this side appreciate the deletion of the deduction of weekly payments from the lump sum benefit, but we consider that the lump sum is insufficient. Ever since I have been a member the Opposition has tried to improve this legislation in order to bring it up to the true entitlements of the worker. He should receive full pay while he is away sick. We claim that the worker must also be protected while going to and coming from work because his employment really starts when he leaves home in the morning and continues until he returns home in the evening. The

legislation in other States covers the worker in that way and I cannot see the Government's objection to the introduction of legislation along those lines. In many instances where men have been injured at their place of employment they have lost the use of an arm, and when the doctor tells them their fate they find that the whole of their compensation benefits has been used in meeting medical expenses. I know of one man who spent more in medical expenses than the amount to which he was entitled under this legislation. We say that is wrong. We expect the employer to assist his employee when incapacitated whilst at work. I support the second reading, but the Government should consider all the matters raised by Opposition members.

Mr. DUNSTAN (Norwood)—I support the second reading, but only after registering the bitterest of protests against the way the Bill was introduced and the way members have been treated. When a Bill is introduced members should have the opportunity of examining it and moving amendments in accordance with their views. We are not being given that opportunity on this Bill. We are required to pass it without putting forward adequately the views we hold. We know what will happen if we move amendments; the Bill will be dropped. Members ought not to be placed in that position. Every Opposition member wants the minimum payments contained in the Bill, but the thing does not stop there. Workmen's compensation should be compensation paid to a worker for injury whether that injury is due to negligence or an inevitable happening. The workman has only his labour to sell. Compensation should be paid regardless of the cause of the injury. Full wages should be paid to an employee during his incapacity. I cannot see any logic in the argument that a sick man should exist on a smaller amount than is paid to him when well. All hospital, medical and dental expenses should be paid, as is the case under common law when there is negligence. Compensation should be paid for injuries sustained when a man is travelling to or from work, regardless of the conveyance used. Were this measure introduced at the proper time and in a proper manner I should have moved amendments along these lines, but the Bill has been introduced in the last week of the session, the end of which has been fixed by the Premier. We have been told that unless we refrain from moving amendments the Bill will not pass, because there will not be time for it to go through the Council. That is not the proper way to deal with the measure. It has been said from the Government side that nothing more in the way of payments can be expected because the employers cannot afford it, but workmen's compensation insurance payments represent only a small item of overhead. The insurance companies, judging by their dividends, are able to cope with far more than the compensation payments being made. Other States have Government insurance offices, which are profitable. If Labor were in office here we would have a Government insurance office providing for the compensation payments we desire. In view of the dividends he is paying the small added cost in overhead would not price out of the market any commodity produced by an employer.

Mr. Dunks—Why not start a Government insurance office?

Mr. DUNSTAN—Labor is not in office, and a look at my banking account would show that I have insufficient capital to start one. If I had the necessary capital I would be in the field as quickly as possible. The State has the necessary capital. We should go further in providing workmen's compensation. At the moment the Bill does not go far enough. There should have been an opportunity for a full-dress debate on the matter. It should not have been introduced at the tail end of the session, with members being gagged, because if they express their views the Bill will lapse.

Mr. McALEES (Wallaroo)—I have been associated with workers all my life and I know that workmen's compensation payments are only a drop in the ocean. The Government appointed a committee to investigate workmen's compensation matters. On that committee were a representative of the employers and one of the employees, but we know that oil and water will not mix, so an independent chairman was appointed by the Government. Members can work out the result for themselves. I was pleased with the minority report presented by the employee's representative. No-one understands the workers more than he does, but his views were put on one side and then thrown into the waste paper basket. Mr. Travers referred to the great losses which would be incurred if workmen's compensation payments were increased, and he wondered who would meet them. I have not heard of any employer going broke through paying workmen's compensation, nor of any insurance company going broke, but I have heard of the great profits being accumulated. Members opposite always protect the wealthy people.

Mr. Geoffrey Clarke—The New South Wales Government lost £400,000 on its insurance office.

Mr. McALEES—We are in South Australia, not New South Wales, and we are pointing out the compensation payments to which South Australian workers are entitled. The committee should not have been appointed to deal with compensation matters. The responsibility should have been accepted by the Government. The Bill does not go far enough. Any reasonable person will agree that a man injured at his place of work through no fault of his own should receive full wages, apart from costs of medical attention. The minority report should have been considered by the Government. I have had a lot to do with the Workmen's Compensation Act and I will always endeavour to protect the worker who meets with an injury whilst at work. I hope that the next time we are called upon to consider legislation of this type we will be given ample opportunity of discussing it. As Mr. Dunstan said, if we attempt to amend the Bill it will be scrapped and as we do not want that to happen we must accept it as it stands.

Mr. FRED WALSH (Thebarton)—I support the second reading but, in common with other members, regret that we have not been given sufficient time to debate this important legislation. It is regrettable that because of the differences that occurred between members of the committee the Premier did not proceed with the introduction of this measure when he received the committee's recommendations. When the proposal to establish this committee originally came before the Trades and Labor Council, I opposed it but I was in the minority. I am always prepared to accept a majority decision and for that reason I supported the amendments last year that were based on the committee's recommendations. Substantial benefits were provided last year, particularly that which provided for payment to workmen in respect of accidents on their way to and from work in their employers' transport. The Premier indicated then that that would not be the last of the committee's recommendations and that it would be considering further matters raised by the employees' representative. The point that the Opposition stresses is that compensation should be provided in respect of injuries to a workman travelling to and from work irrespective of his methods of transport. I am disappointed that no such provision is included in this Bill. The Labor Party has always held strong views on workmen's compensation. It is true that considerable improvements have been made to the Act over the years but that has mainly been because of the advocacy and persistency of members on this side of the House.

At times one must accept a course of compromise and I am inclined to permit this Bill to be passed more or less without amendment. It is too late in the session to debate it at great length particularly in view of what might happen if it is unduly delayed. Our chief concern is to provide the benefits that are included in the committee's recommendations to those workmen who may be unfortunate enough to require them. We are not entirely satisfied with the Bill and I hope that serious consideration will be given to the points raised by the Opposition, particularly concerning payments to a workman in respect of an accident to and from his place of employment. No-one with any degree of fairness will subscribe to the view that if a person is injured on his way to work—and it could be on the doorstep of his place of employment—he should not be entitled to workmen's compensation. If he were not required to go to his place of employment he would not meet with an accident and the same applies on his return home after work. A provision relating to this applies in all other States.

In respect of maximum payments I cannot understand why there should be a limit. We should have regard to the conditions of a workman—the size of his family and his responsibility—before we agree that a maximum limit should apply. It is pleasing to see that provision is made enabling a workman to apply for a greater amount to recover medical expenses in special cases and that if the employer does not consent the matter may be referred to a special magistrate. Mr. Travers contended that the Bill goes beyond the original concepts of workmen's compensation but all legislation extends beyond the concept of the original framers of it. We are living in modern times and in a state of progress and all benefits to the community must be extended to conform to common decency. To suggest that we should remain static—which can be the only interpretation of Mr. Travers' suggestion—is ridiculous in the extreme. Knowing his capacity and knowledge I am sure he did not mean what he said. He said that a person could receive in weekly payments an amount to within £1 of the maximum to which he would be entitled and then could apply and obtain a lump sum payment of the

full amount under the Act with no consideration being paid to the amounts he had already received. We have been striving for that provision as long as I can remember. I have had considerable experience of workmen's compensation and I can recall two cases where employers of their own volition paid their employees the full benefits of workmen's compensation by way of lump sum payments when it became known that because of incapacity the employees could no longer continue their work. Mr. Dunks is opposed to the extension of any benefits at all to workmen. I cannot understand his reasoning in certain matters. That is the attitude he adopts on every occasion when something is to be conceded to workmen. Fortunately his attitude does not permeate the House and influence other members of the Government. I hope he will have regard to that when he considers how he will vote on this question. It is not the desire of members on this side of the House to delay the passage of the Bill, for if it is not adopted by the House and passed by another place workers will have to wait at least until next session before their compensation conditions are improved. Generally speaking, the comments made by Mr. O'Connor are echoed by every member of the Labor Party. There may be some difference of opinion on the report he submitted, but he has earned the praise of all those representing the Labor Party for his work on the committee. I do not feel disposed to give anyone who may be within hearing a pat on the back for this Bill, but I hope that too much notice will not be taken of the differences that have occurred as the result of the committee's recommendation. I am confident that those differences will be cleared up later.

Mr. DUNKS (Mitcham)—Before I say much about the Bill I must defend myself. I regret that some members said I have never supported workmen's compensation legislation. I have never opposed it, and I have never made a speech condemning it. I have been an employer of labour for over 40 years and today I employ, directly or indirectly, a large number of people. The honourable member who has just resumed his seat talked about generous employers who have paid their workmen full wages for some time when they were absent from work, and I count myself in that category. I listened with great interest to the member for Torrens (Mr. Travers), who gave us a clear understanding of what the Bill means and of how workmen's compensation started. In the early days it provided compensation for an injured man while he was away from work, though it did not provide full wages, but something for him to live on while absent. I could not understand why some members said they could not follow Mr. Travers. I have never heard anything plainer. He said he considered that the Bill needed some alteration so that a workman who was receiving weekly payments for a certain time would not be entitled to full weekly compensation as well as compensation under the schedule after, for instance, a limb had been removed. The Premier did not use the guillotine. He did not say the Bill must be completed by, say, 10.30 p.m. Why do members opposite tell me that I cannot move an amendment if I want to, or that they cannot move an amendment? That is too absurd. The biggest mistake made was the appointment of a committee to examine workmen's compensation. If there is one thing that Parliament has done wrong in the last 10 years it has been the appointment of committees for all sorts of purposes. For instance, before the prices of some commodities increase the Prices Branch, instead of taking the responsibility, is advised by a committee appointed by Parliament.

Mr. Stott—What is the good of having a committee if Parliament will not take its advice?

Mr. DUNKS—Parliament is here to consider Bills brought down by the Government. We should move any amendments that we believe should be made. The Constitution says that we have been put here at the will of the people, and we are responsible only to the people. Any Bill can be amended by members who support the Government or by members who oppose it. Members opposite cannot tell me that there is no possibility of amending this Bill merely because we hope to prorogue Parliament at the end of the week. I am prepared to sit here for another two or three weeks if Opposition members want amendments considered. If they have any amendment they can give it a go tonight. The committee that inquired into workmen's compensation brought down a resolution on which this Bill has been founded. Then one of the committee members disagreed with it and a certain outside body decided to examine it. That body said, in effect, "O'Connor did not know what he was talking about. We don't want the Government to take any notice of him. We want the Government to get on with the Bill." Opposition members fear that if they try to amend the Bill they would not get

the measure passed at all. I shall vote for the second reading, but if Mr. Travers moves an amendment on the lines he has suggested I will vote for it because he made out a good case. We had a fairly easy time earlier in the session and often adjourned at about 4.30 p.m. When we sat at night we often adjourned at about 10 p.m. instead of sitting later, so we should now sit until we have disposed of the matters before us. Nothing has been said to indicate that the debate on this Bill must finish before, say, 11 p.m. Let us see what members opposite can do with it. If they carry any amendments good luck to them, and if we on this side move any amendments they can be debated and considered to see what their merits are.

Mr. RICHES (Stuart)—I understand that an ultimatum was issued to members on this side of the House by the Premier.

The SPEAKER—I do not think we should go into that, otherwise we might not get a Bill at all.

Mr. RICHES—The statements by the member for Mitcham (Mr. Dunks) demand a reply. He has thrown down a challenge that if members on this side are not satisfied with the Bill we should move amendments, but we are in some difficulty, for an ultimatum has been issued that if the Bill, as presented, is not given a reasonable passage there will be no Bill at all. That is the only reason why I shall not be moving any amendment. I realize that the Bill is a substantial advance on anything that we have previously had on workmen's compensation.

Mr. Stott—Was there an official ultimatum, or only a press report?

Mr. RICHES—Perhaps we shall get an answer later if what I have said is not correct. Mr. Travers said there was an anomaly in the Bill in that a workman might suffer a disability and receive weekly payments up to the full amount allowed, but that if on the day before those weekly payments had been completed it was realized that, for instance, the use of a limb would be lost he could claim the appropriate amount set out in the schedule. I hope the Premier will say whether that is correct when he replies. Mr. Travers also said that if the employee received the full amount of weekly payments and later suffered the loss of a limb he could get nothing more. I have consulted the Parliamentary Draftsman, and even Mr. Travers, but we could not find any time limit in the Bill. If there were any such limit I would seriously object to it. Under the Bill we are entitled to assume that the workman should get the full amount set out in the schedule. I do not think there is any anomaly, such as that instanced by Mr. Travers. I endorse everything that has been said on this side of the House in support of the Bill.

The Hon. T. PLAYFORD (Premier and Treasurer)—I want to refer to one or two comments made during the debate. Firstly, it has been suggested by the member for Adelaide (Mr. Lawn) that a time limit was set on this Bill; but I have set no time limit on it. Indeed, the Government does not set time limits on Bills. This House is unique in two respects: there is no time limit on members' speeches, nor is there any Standing Order enabling members' speeches to be interrupted to move the closure. Therefore, Mr. Lawn's statement is incorrect in the light of procedure in this House at least over the last 15 years. His statement was merely calculated to create a political atmosphere around this Bill. I have said that if this Bill is to be passed this session it must be dealt with expeditiously, but members are free to debate it as long as they like.

The honourable member for Norwood (Mr. Dunstan) said that members were unable to move amendments to the Bill, but that is not so. I gave notice of this Bill last Thursday, and if the press reports are correct—and I believe they are—it has been discussed by members on at least two occasions since then and those discussions revolved around possible amendments to be moved by the Opposition. I believe that to be substantially the position. If, however, members opposite believe that they are fostering the case for the employees in this matter by moving amendments, no Standing Order will prevent them from doing so.

Mr. Dunstan—But you will not go on with the Bill if they do so?

The Hon. T. PLAYFORD—The Government is always free to bring forward its legislative programme. It is the undeniable right of every member to introduce legislation, but there is no compulsion on any member to proceed with a Bill that has been amended to such an extent that he believes in it no longer. The same principle applies both to the Government and to members of the Opposition. The Leader of the Opposition may introduce a Bill and, if it is amended in a way he does not like, he may refuse to continue with it. Mr. Dunstan said that members were prevented from moving amendments to the Bill, but that

is not correct. Indeed, one Government member during this debate discussed an amendment he was considering, and, if honourable members believe that the case for the employees will be furthered by moving amendments, I have not, either by suggestion or in any other way, said that amendments may not be moved, nor issued any ultimatum on the matter.

The documents giving the history of this Bill are here for honourable members to see. The employees' representative dissented from the majority report of the committee in language that the Government felt it could not accept. Mr. Gibb (the employers' representative) said, "I do not agree with the provisions that take away certain deductions as compensation."

Mr. Geoffrey Clarke—Did Mr. O'Connor sign the report?

The Hon. T. PLAYFORD—Yes, and so did Mr. Gibb. Mr. Gibb dissented from one of the provisions of the Bill, and there was no objection to any member dissenting from the report. Last year the Bill that was introduced on this matter was subject to dissent by Mr. O'Connor, who signed the report and said, "I do not believe this Bill goes far enough. Other matters should be included in it." The Government did not object to that because no-one expects a person to go on a committee and be hamstrung in expressing his views; a member is appointed to express his views. In dissenting from the report on this occasion, however, Mr. O'Connor imputed motives, saying that the committee was more anxious to look after the insurance companies than after the interests of the employees. In this case the chairman's vote was the deciding vote on a number of matters, and therefore Mr. O'Connor's statement could only be taken to apply to the chairman.

I point out to members, however, that it would be impossible to get a fairer-minded man than Mr. Bean as chairman of this committee. Indeed, when we were establishing the Teachers' Salaries Board the teachers sent a deputation to me, asking that Mr. Bean be appointed chairman of that board because they had confidence in his impartiality. On any of the Government boards and tribunals appointed to fix the salaries of public servants has there ever been a suggestion that Mr. Bean has not applied himself to any matter with the greatest impartiality, backed up by his great wisdom and experience?

When the dissenting report was published, in effect saying that Mr. Bean was more concerned with looking after the interests of the insurance companies than those of employees, the Government rejected that statement. Cabinet decided that if that was the line of argument to be advanced the matter should be referred back to the committee because the Government could not accept that argument. That was substantially the position surrounding the introduction of this Bill until I received a deputation from the Trades and Labor Council on November 30. On December 1 the council sent me a letter containing the following statement:—

Please find a copy of the resolution which was carried at a special meeting of the executive of the United Trades and Labor Council of South Australia on November 29.

To honourable members who say that this Bill has been introduced in the dying hours of the session and debate on it restricted, I point out that the United Trades and Labor Council had all the facts before it before the Government received the dissenting report. Indeed, my first knowledge of the dissent came from a report in the *Advertiser*. Before I had a chance to take the matter to Cabinet and ask it to reverse its previous decision I gave notice, last Thursday, of this Bill. Indeed the Government's anxiety to have the matter placed before the House has involved it in some criticism because some members have said, "We object to debating a Bill that is not before us." I point out, however, that because of the present printing difficulties I had to delay the debate on this Bill for some hours this afternoon while copies of the Bill were obtained from the printer. I therefore repudiate the charge that this Bill has been brought in during the dying hours of the session and that honourable members have been given no chance to debate or amend it. Before I knew the recommendations of the committee I had instructed Mr. Bean to prepare a Bill to give effect to them.

Mr. Walsh asked whether it was wise to have a committee at all in this matter. It all depends on the point of view taken. If you want to make workmen's compensation a political football, I say, "Don't have a committee." For many years we had no committee, and every year there was always a scramble by the Opposition and by the Government to be the first to introduce a Workmen's Compensation Bill during the session.

Mr. O'Halloran—The Opposition usually won.

The Hon. T. PLAYFORD—It sometimes won, but usually it was singularly unsuccessful in its efforts to have its Bill passed. The real point is whether the South Australian workers

got as fair a deal as they have since the appointment of the committee. Under the old system the Leader of the Opposition looked at the compensation payments in the other States and picked out those he thought might be included in our legislation. From then on the matter became a political debate. Even when the Government introduced a Bill there was a political debate. In these circumstances workmen's compensation was not properly provided for and that prompted me to announce that the Government, with the co-operation of employers and employees, would set up a committee to take workmen's compensation out of the field of politics. It was hoped that the committee's recommendations would be accepted without a political debate.

Mr. Stott—You have not succeeded.

The Hon. T. PLAYFORD—I would not say that we have failed because all members want the Bill to pass, and I hope it will do so without amendment. There is one provision in the Bill which was recommended by the committee, and which had no chance of being included in any other way. Members opposite accept what they want and then cast aspersions at people who do not agree with them. This sort of thing is frustrating. The appointment of the committee was a good move. Whether it was the best constituted committee I do not know. The employers nominated a representative and the Trades and Labor Council was asked to nominate one. I received its nomination through the Hon. S. C. Bevan, M.L.C., who at the time was president of the council. I thought it would have been advantageous for the employees to have a representative on the committee. The Government appointed as chairman a man in whom all members have great faith. Whether this committee system should be continued I will discuss with the Leader of the Opposition. Do employees want the committee to continue? Do they want to be represented on it?

Mr. O'Halloran—That is a matter for the Trades and Labor Council because it represents the workers most covered by this legislation.

The Hon. T. PLAYFORD—I would have thought it would be much to the advantage of the employees to have a representative on the committee, especially as his views would not be outweighed because of excessive representation on the other side. I do not think the problem that has arisen this year should be exaggerated. The Bill confers advantages on employees. In some cases, which do not occur frequently, the advantages under the Bill could be material. When the Trades and Labor Council said it desired the legislation to pass because of the undoubted benefits in it, without waiting for a formal Cabinet meeting, which would not have taken place until yesterday, I personally contacted my colleagues so as to be able to give notice of the measure last week. I am pleased that the House generally supports the second reading. I hope the Bill will pass before the conclusion of this session.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amount of compensation on death."

Mr. LAWN—Under paragraph (*b*) there will be a payment of £2,250 on the death of a workman. The Treasurer said that the Australian average was £2,270. Can he explain why the South Australian payment is to be £20 less than the Australian average?

The Hon. T. PLAYFORD (Premier and Treasurer)—The report of the committee on this matter states:—

Since the report substantial changes have been made by the Parliaments of all other States except Victoria and by the Commonwealth. As a result the average maximum compensation payable on death as fixed by the laws of the other States and the Commonwealth has increased from £1,790 to £2,270.

I misunderstood the honourable member this afternoon. I thought he said £3,270. The report continued:—

And the average maximum for incapacity from £1,960 to £2,478. It is to be noted also that in New South Wales there is no limit on the total amount of compensation payable for incapacity. The present maxima in force in South Australia for death and incapacity are £2,000 and £2,250 respectively.

We were far ahead of the Australian standard. We had a payment of £2,000 when the Australian standard was £1,790. That was recommended by the committee last year, so the committee was not too bad after all. The report continued:—

It is clear therefore that if Australian standards are to be maintained in this State it is necessary to increase the present South Australian rates. The other States of the Commonwealth have also made substantial increases in the weekly payment; but as in two States and the Commonwealth the maximum is either the whole or a percentage of the weekly earnings it is impossible to work out the average amount of the increase.

Further on the report said in regard to maximum compensation on death:—

We recommend that this amount be raised from £2,000 to £2,250. It will bring the South Australian maximum to within £20 of the average of the other States and the Commonwealth.

The report also said:—

We recommend that the maximum compensation for disablement be raised from £2,250 to £2,500. This figure is justified by the fact that the average of the maxima fixed by Australian Parliaments other than New South Wales is £2,478.

Taking both items together the new rates are £2 in excess of the average for Australia. One of the advantages of having a committee is that these matters are always under review. The weekly payments for incapacity are recommended at £12 16s., whereas in Western Australia they are still £10. Although the Western Australian Government is not necessarily unsympathetic to the worker it has no regular system of review.

Clause passed.

Clause 4 passed.

Clause 5—"Compensation for incapacity."

Mr. LAWN—Will the Premier reconsider paragraph (*c*)? The committee made its recommendations before the Full Court judgment in respect of margins and it had in view the wages payable at that time. Since then tradesmen's weekly wages have increased by 23s., those receiving higher than the ordinary standard tradesmen's rates will receive a corres- those on a wage lower than the ordinary standard trademen's rates will receive a correspondingly lower increase in margins. The point is that there has been an increase in wages since the committee's recommendation and I suggest that if the committee re-examined this matter, to give effect to what it intended at the time of this recommendation, it would recommend a higher amount. Once this Bill is passed there will be a delay of 12 months before another review can be made and during that time workmen will suffer a loss.

The Hon. T. PLAYFORD—The committee dealt with this matter at some length. It pointed out that New South Wales has increased its maximum from £9 to £12 16s., thus adopting the rate enacted in Victoria, Queensland has removed the limit of £8 7s. and has laid it down that the payment during incapacity shall not exceed the weekly earnings, Tasmania has removed its previous limit of £11 5s. and provided that the weekly payment shall not exceed 75 per cent of the weekly earnings and Western Australia has not altered its previous limit of £10. The committee has recommended the same rates as apply in Victoria and New South Wales. The Parliaments of both New South Wales and Victoria are adjourning this week and they will not be altering the payments under their legislation. If the Government did what the member is suggesting and referred it back to the committee—

Mr. Lawn—I am not suggesting that.

The Hon. T. PLAYFORD—The member cannot have it both ways. He must either agree that the committee is beneficial and accept its determinations or decide to abandon the committee.

Mr. Lawn—I am suggesting that the amount of payment should be about £14 and not £12 16s.

The Hon. T. PLAYFORD—In other words the member has no confidence in the committee's recommendation. When the committee was considering these matters the case for the increased margins was well advanced and it was well known that probably some increase would be granted in certain instances. This is a recent report. The Government has not held on to it and I cannot accept the member's suggestion.

Clause passed.

Remaining clauses (6 to 10) and title passed.

Bill read a third time and passed.

JOHN MILLER PARK BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to empower the Brighton Corporation to lease to the Somerton Yacht Club a portion of a public reserve known as the John Miller Park. This park, which has a frontage of 445ft. to the Esplanade at Somerton and a depth of 180ft. was in 1939 given to the Brighton Corporation by Mrs. B. E. Miller of Somerton. The park is named after the late husband of Mrs. Miller as a memorial to his memory. The indenture executed by Mrs. Miller declaring the trusts upon which the land is to be held by the Corporation declares that the land is to be held for all time as a public park, garden and pleasure ground. The Somerton Yacht Club, until the disastrous storms which occurred during the winter of 1953, had club premises on the foreshore in which the boats of members were kept. These premises were destroyed during the storms and the club is now without premises. Obviously, a club such as this

needs premises on the sea front and both the council and Mrs. Miller are agreeable to the club obtaining a lease of a portion of the John Miller Park for this purpose.

However, the trusts upon which the council holds the land preclude the use of the land for this purpose and, to enable a lease to be granted to the club, statutory provision is necessary. The Bill accordingly provides that the council may, from time to time, grant to the Somerton Yacht Club a lease of a portion of the John Miller Park, but the area leased is not to exceed one quarter of an acre. The term of any lease is not to exceed 15 years and every lease is to provide that, before any building, fence or other structure is erected on the land, the prior approval of the council and, during her lifetime, of Mrs. Miller, must be obtained. It is also provided that, during her lifetime, a lease is not to be granted unless Mrs. Miller consents to the lease and approves of its terms and conditions. Thus, whilst the Bill will authorize the council to lease part of the John Miller Park contrary to the trusts created by Mrs. Miller, the donor, the Bill makes provision to secure that, when the council grants such a lease, Mrs. Miller must, during her lifetime, be fully consulted.

The Bill has been prepared in consultation with Mrs. Miller and the council, and both have approved of its terms. The Bill is a hybrid Bill within the meaning of the Joint Standing Orders and, after being read a second time in another place, was accordingly referred to a Select Committee for inquiry and report. After hearing evidence the Select Committee reported in favour of the passing of the Bill.

Mr. HUTCHENS (Hindmarsh)—The Minister's explanation indicates that the Bill is desirable and that there is agreement between Mrs. Miller and the council in regard to it. I see no reason why its passage should be delayed.

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

RIVER MURRAY WATERS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 2) (GENERAL).

Received from the Legislative Council and read a first time.

BAROOTA RESERVOIR SPILLWAY CHANNEL.

The SPEAKER laid on the table the report of the Public Works Standing Committee on the Baroota Reservoir Spillway Channel, together with minutes of evidence.

Ordered that the report be printed.

NURSES' REGISTRATION ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Its principal object is to give legal status to mothercraft nurses. For some time, the Mothers and Babies Health Association has been training girls in the work of looking after mothers and newly-born children. These girls are of great value to the community, since they can do work that would ordinarily be done by a fully trained nurse, and thus free fully trained nurses for more urgent work. The Government believes that the time has come for mothercraft nurses to be given recognition, both for the protection of the public and for the achievement of uniformity with the laws of Victoria, Tasmania and Western Australia, where mothercraft nursing has already been recognized, and is accordingly introducing this Bill. The Bill provides for the enrolment of mothercraft nurses by the Nurses Board. The term "enrolment" has been used in order to distinguish mothercraft nurses from nurses, mental nurses and midwives registered under the principal Act. It is felt that if mothercraft nurses were referred to as "registered" they might be too easily confused by the public with fully trained nurses. The Bill gives enrolled mothercraft nurses two privileges—namely, exclusive rights to hold themselves out as enrolled mothercraft nurses and to wear a distinctive uniform and badge. For simplicity of administration the Bill provides for enrolment in terms closely resembling those in the principal Act relating to registration.

I will give a short explanation of the clauses in numerical order. Clause 3 makes consequential amendments to the existing interpretation section. Clause 4 enables the Nurses Board to issue and cancel certificates of enrolment in the same way as it can at present issue and cancel certificates of registration. Clause 5 inserts in the principal Act a new Part, Part IIIA, consisting of sections 33a to 33f. Section 33a provides that the Registrar

of the Nurses Board must keep a roll of mothercraft nurses and prescribes the machinery for, and conditions of, enrolment.

Section 33b entitles persons who have passed the prescribed examinations, and completed the prescribed courses of training, to enrolment. It also provides for the enrolment of persons in practice as mothercraft nurses at such time as the Bill becomes law if they have had the training prescribed for such persons. Section 33c deals with the enrolment of persons trained outside this State, which may be immediate or conditional depending upon their qualifications. Section 33d requires certain conditions as to character, age and health to be satisfied before a person can be enrolled. Section 33e by reference to sections of the principal Act, provides for the machinery of enrolment, and also for appeals against decisions of the board. Section 33f deals with the cancellation of enrolment and return of certificates in virtually the same terms as those used in the principal Act with respect to the cancellation of registration.

Clauses 6 and 8 give to enrolled mothercraft nurses the exclusive privilege of holding themselves out and advertising themselves as such. Clause 7 gives mothercraft nurses the exclusive privilege of wearing a prescribed badge and uniform. Clause 9 deals with fraudulent or dishonest conduct in relation to enrolment. Clause 10 makes various amendments to the power to make regulations contained in the principal Act. The more important of these deal with the approval of training institutions for mothercraft nurses, the prescribing of courses of training and the prescribing of rules relating to the practice of mothercraft nursing. Clause 11 is concerned with a purely procedural matter. It extends the presumption in any proceedings under the Act that a defendant is unregistered to enrolment.

The Bill also deals with another matter. The College of Nursing, Australia, grants diplomas in specialized branches of nursing. These diplomas are known as the Nursing Administration, Sister Tutor, Midwifery Tutor, and Ward Sister Diplomas. The College recently approached the Nurses Board with the request that the Board should register these qualifications. The Nurses Board thought it desirable that the qualifications should be registered, but found that it could not be done without alteration of the principal Act. Clause 10 of the Bill accordingly enables regulations to be made dealing with the registration of prescribed qualifications, and fixing a fee for such registration.

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

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 18. Page 1438.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill, in effect, repeals the legislation passed with a great deal of eclat on the part of Government members in 1946. That Bill was designed to solve the problem of sanitation in country towns generally with the help and assistance of a benevolent Government. It is interesting to refer to what the Minister of Works said on that occasion:—

It must be admitted that 2s. in the pound will not pay the full amount of the interest on the capital cost as well as operating costs, but the Government considers that if those who receive the benefit of these sewerage systems are willing to pay 2s. in the pound, it would be justified in going ahead with the work. It is proposed therefore to ask Parliament to endorse the principle of having a definite flat rate in every country drainage district of 2s. in the pound on the assessed value of the property. The profit on the Adelaide water scheme helps to maintain country services and the same principle will be adopted as regards sewerage if the House accepts the Bill.

A minimum charge of £2 12s. a year if connected and 12s. a year if not connected was proposed in the Bill. The Minister said that various Victorian country towns had been sewered and he quoted a number of illustrations of the rates that had been found necessary to make a fair contribution towards the cost of the sewerage. It might be as well to refer to those figures. Nhill, with a population of 2,000, had a rate of 2s.; Murtoa, with 1,300, 2s.; Dimboola, with 2,000, 2s.; Hamilton, with 6,000, 1s. 5d.; Castlemaine, with 5,400, 2s. 6d.; Echuca, with 5,000, 2s. 3d.; Geelong, with 49,000, 1s. 3d.; and Kerang, with 3,500, 2s. 3d. The Minister continued:—

I believe our proposal will be much better than having a number of small local schemes like those operating in Victoria and New South Wales. I do not believe that more than half a dozen towns in South Australia would be able to undertake sewerage schemes out of their own resources.

We were told at that stage that it would be better to adopt the practice of a flat rate of 2s. in the pound for country schemes in South Australia than to consider them on their merits as had been done in the Victorian

country towns mentioned by the Minister. He continued:—

The Government had approved of the expenditure involved in conducting surveys and investigations for Barmera, Berri, Kapunda, Eudunda, Clare, Balaklava, Kadina, Wallaroo, Moonta, Whyalla, Crystal Brook, Strathalbyn, Tanunda, Nuriootpa, and Angaston.

Consideration was to be given later to towns of smaller population. He said that all towns would be surveyed as a matter of course and the towns would be asked whether they were prepared to subscribe to the expenditure involved. He continued:—

The rate will be a flat rate and towns that are best adapted for sewerage will not have a rate any lower than a town like Port Pirie, where the difficulties are great. The cost will be twice as much there as for a town like Naracoorte. The people will pay 2s. in the pound irrespective of cost. The assessment will be as near as possible to the local council assessment. We are not forcing them to accept the scheme.

Although it is eight years since that Bill was passed no towns have had an opportunity of accepting a scheme. The Minister continued:—

The Government thinks it would be better to introduce a flat rate over all country towns rather than have small isolated pockets establishing their own schemes, some of which are bound to fail, when the Government would be asked to take them over and spend thousands on putting them in order. The Bill is an earnest attempt to provide sewerage schemes for country towns. A comparison of assessments in the metropolitan area and various country areas show that it would cost 50s. per annum in sewer rates on an average five-roomed house in Adelaide, whereas in Port Pirie it would cost about £4 a year. The Engineer for Sewers had discussed the question on the basis of a 2s. rate and found no objection in any country town. In many cases they are paying at least 1s. a week for a pan system. We are pooling our metropolitan and country water schemes and the same principle is proposed in this scheme.

I draw attention to those remarks because this Bill represents a complete retreat from the attitude then taken by the Government. A point made was whether 2s. in the pound rate was sufficient in country towns. I pointed out at the time that actually the Government's proposal, whilst it was supposed to be for the benefit of country towns, represented no concession at all. It represented no attempt to make some provision for amenities in the country in order to encourage people to go there to live rather than continue to crowd into the metropolitan area where they could get sewerage extensions for a rate of 1s. in the pound. So far as I know that rate of 1s. in the pound still applies in the metropolitan area despite the huge expenditure which has been and is still being incurred in providing sewerage for some of the new suburbs and satellite towns that are springing up like mushrooms within distances of 15 and 16 miles of the G.P.O. clock. This Bill withdraws even the alleged concession of the 1946 measure. The 2s. in the pound was reduced as a result of an amendment suggested by the then Leader of the Opposition, Mr. Richards. His amendment was not to reduce the rate in the pound but to reduce the minimum charge. He pointed out that in his district, and in many others, the minimum charge was too high. Eventually a compromise was reached under which the minimum charge remained the same but the rate was reduced from 2s. to 1s. 9d. in the pound.

The Public Works Committee has inquired into a number of schemes and although it has given favourable reports on them no provision has been made to sewer any country town. It might be interesting to examine the schemes which have been investigated by the Public Works Committee. Interim reports have been presented recommending schemes for Port Pirie, Mount Gambier, Port Augusta and Port Lincoln. Decisions have also been reached respecting Naracoorte, Victor Harbour and Gumeracha. Other proposals under consideration include Bordertown, Murray Bridge, Balaklava, and Whyalla.

The Hon. M. McIntosh—The committee has given no final report, because it has not examined the economics, which will show that schemes cannot be provided with a rate of 1s. 9d. in the pound.

Mr. O'HALLORAN—The Minister is trying to make a point about the change in the value of money since 1946 offsetting the economics of the 1946 scheme, but if he examines the other aspect—the question of rating—he will find that rates have correspondingly increased in country towns. I am now paying almost twice the municipal rate that I was paying in 1946. I am happy to do so because I realize that I am getting excellent service in return. Country people, who were encouraged to vote for the Liberal-Country Party at the 1947 elections because this Act we propose to repeal was enacted in 1946, are now to be deprived of any concession they might have enjoyed under that Act. The Minister suggests that this Bill is designed to enable him to make a realistic approach to this matter. One of the main arguments advanced in support of the flat rate proposed in the Bill was that there had to be some figure for the Public Works

Committee to consider when going into the economics of a scheme. That was insisted upon in 1946. The Minister now tells us that although the Public Works Committee has presented interim reports, it has not yet gone into the economics of certain schemes.

If it was necessary in 1946 to have this flat rate of 2s. in the pound to enable the Public Works Committee to go into the economics of schemes, I ask how will the committee investigate those economics if it has no rating figure to work on? It is essential to install sewerage schemes in country towns for, more than anything else, they will encourage people to remain there and others to go to the country. After country towns have been built up there will be greater possibilities of industries migrating there, which will result in the further migration of people to the country. This question of country sewerage schemes was brought before the House by the late Hon. John McInnes when, on September 27, 1939, he moved:—

That, in the opinion of this House, it is desirable that the Government give favourable consideration to the need of providing a sewerage system for approved towns in South Australia on lines similar to that now in operation in New South Wales under the New South Wales Local Government (Further Amendment) Act, 1935.

That motion was seconded by the late Mr. Duncan who was member for Gawler, and the Minister, Mr. McIntosh, also supported it. So great was the persuasive eloquence of the two late gentlemen that, with the Minister's assistance, the motion was agreed to unanimously. Of course, the war intervened, and I do not blame the Government for not conducting an inquiry during the war, but before the Government hurriedly introduced the 1946 Bill, which was done obviously to put a prize exhibit in the electoral shop window, an inquiry should have been conducted.

The Hon. M. McIntosh—The war did not end until 1945, and in 1946 we prosecuted our plan.

Mr. O'HALLORAN—But the Government has done nothing for eight years, and now the plan is to be abandoned. We shall be back where we were before the 1946 Bill; in other words, the Minister will have power to fix rates. For that reason, and believing that everything practicable should be done in this matter, I move to amend the motion as follows:—

That all words after "be" be struck out and the following words inserted in lieu thereof:—"withdrawn and a Parliamentary Select Committee be appointed to investigate and report on problems of country sewerage, including group septic tank disposal of sewage, and to submit a scheme for financing country sewerage systems which will be within the capacity of country centres."

My amendment incorporates the principle of an inquiry, which was accepted by the House in 1939. Secondly, there would be an investigation into a proposal which has emanated from sewerage engineers since the 1946 Bill was passed, namely, that the installation of a group septic tank system might be more economical in some towns than a complete sewerage scheme Finally, there would be an investigation into the financial aspect to see what has been the result of the schemes, mentioned by the Minister in his 1946 speech, in the various country towns of Victoria and New South Wales. In other words, Parliament would get all the available information and would be able to evolve workable schemes for country towns.

The SPEAKER—The motion before the House is "that this Bill be now read a second time." I have just been handed an amendment moved by the Leader of the Opposition. He moved it at the appropriate time, which was at the end of his speech. The honourable member may not speak twice on the second reading, so therefore I must give an opinion on the amendment now. This amendment is in the form of a resolution, and it seems to me that under Standing Order No. 296 notice of it should have been given. As notice has not been given my ruling is that I cannot accept it.

Mr. O'HALLORAN—I was under the impression that in a former Parliament a motion was moved on these lines and was accepted.

The SPEAKER—The words in paragraph (ii) of Standing Order No. 296 are:—

In the form of a resolution, of which notice has been given.

The amendment is in the form of a resolution. As notice has not been given I think I have to rule that I cannot accept it now.

Mr. RICHES (Stuart)—May I ask, Sir, whether it would be competent for a member to move "That the debate be now adjourned" in order that opportunity be given to give notice of the resolution?

The SPEAKER—It is always in order for a member to move the adjournment of the debate.

The Hon. M. McINTOSH (Minister of Works)—I have not spoken to the second reading, and therefore I will not close the debate if I speak now. The amendment moved

by the Leader of the Opposition has been sprung upon the Government, and I had no prior knowledge of its purport. Obviously, the Government should have an opportunity to examine the amendment to see what is behind it. The intention behind the Bill is to bring country sewerage into a factual scheme. I stress that the rate of 1s. 9d. in the pound in 1946 is totally unrealistic in relation to present-day costs. The Leader of the Opposition said that the Government had done nothing since 1946, but I have closely examined what has been done throughout Australia and I find that no material progress has been made in this direction in any other State. The honourable member says that because assessments have been increased the work should keep pace with those increased assessments, but that is not so. It was stated earlier that we were pooling our resources and that we would make up country losses from profits on metropolitan schemes, but profits on metropolitan schemes have ceased to exist and now those schemes show a debit. The State as a whole will have to meet these increased commitments. Statements in this regard made in good faith in 1946 have no relation to present-day circumstances. The Government has asked not for a blank cheque, but for an opportunity to proceed with works for which it was intended to pool resources so that the worst affected parts of the State would not be called upon to bear a burden out of all proportion to their means. Earlier I gave the House a statement of the costs incurred in the various States and pointed out the divergence that had become more manifest over the years. I want to avoid that in South Australia by pooling the good with the bad. The Treasurer has suggested—and I submit the suggestion for the consideration of members—that a committee of five and not a Select Committee be appointed to consider charges on country water schemes, the committee to consist of the Minister as chairman and two Government and two Opposition members. If that proposal were accepted as a basis this matter might be adjourned. I ask leave to continue my remarks.

Leave granted; debate adjourned.

EARLY CLOSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 25. Page 1551.)

Mr. O'HALLORAN (Leader of the Opposition)—I do not intend to delay the passage of this Bill. The amendments now proposed should have been included in last year's Bill when Parliament gave certain mixed businesses the right to sell tobacco and cigarettes after hours. I pointed out at the time that that Bill would lead to difficulties in the case of tobacconists at holiday resorts who would be called upon to face unfair competition. This Bill is simply an example of the piecemeal legislation that has become typical of this Government in recent years. However, I have no objection to it and do not think advantage will be taken of it by the great majority of tobacconists. I have discussed this matter with people in the trade, both in the country and in the city, and have found no objection to the Bill; I therefore support it.

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

STATE BANK ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 1584.)

Mr. O'HALLORAN (Leader of the Opposition—I support the Bill, which simply deals with some anomalies that have been discovered in the State Bank insurance schemes and, in particular, with some that became evident after this year's earthquake damage. In effect, these anomalies were that very often borrowers insured their property with the State Bank only for the amount of the mortgage and that there was no provision in the State Bank insurance policy for the comprehensive cover that is provided by insurance companies generally. This Bill tidies up those anomalies and will be particularly beneficial to borrowers, while not being detrimental to insurance companies. The remaining clauses of the Bill deal with the rights of State Bank employees to borrow from the bank. Although in olden days there was a general objection to employees' borrowing from banks, I understand that in recent years this objection has not been held by the trading banks, and I see no reason why the State Bank should continue to refuse employees the right of borrowing from it.

Mr. DUNKS (Mitcham)—I agree with the principles embodied in the Bill. In the past I wondered why employees of the State Bank were not allowed to borrow from the bank in order to build a home, for the bank's employees are an excellent set of people. The provisions of the Bill regarding insurance are the answer to a question that I recently put on notice. It seemed to me quite wrong that the owner of a property who had borrowed £1,500 from the bank on a house worth £2,500, who had insured with the bank for £1,500, and who had insured with an insurance

company for a certain amount, should find that the State Bank was not prepared to accept any responsibility and that the private insurance company was prepared to stand up to the amount for which the policy had been taken out with it. Generally the insurance company stood the full cost of the repair work, in which case the State Bank went scot-free.

I consider this would have been a good occasion on which to deal with an increase in the maximum advance by the bank. In these difficult times it is a little absurd to fix a limit of £1,750 on a loan to a home builder. Today's *News* reports that it is expected that house building costs will rise still further because of the recent increases in tradesmen's margins, and it would appear to be more logical to fix an upper limit of £2,500 for State Bank loans. The Premier has said there is no difficulty because applicants are prepared to accept £1,750, but that does not answer my question because these people may be able to get finance elsewhere. When the Bill was prepared the matter should have been considered, but as it was not I hope that next session something will be done to encourage the small home builder.

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

HIDE AND LEATHER INDUSTRIES ACT SUSPENSION BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 1582.)

Mr. JENNINGS (Prospect)—This Bill suspends the provisions of the Hide and Leather Industries Act, 1948. It cannot be logically objected to by this Parliament, whether we agree with the termination of control over hides and leather or not. Whether we like it or not, the legislation was dependent for its effectiveness on Commonwealth legislation, and now that the Commonwealth has abandoned the control of hides and leather there is no reason for retaining our legislation. One sincerely regrets that this control, like so many others, is being removed when wages are frozen. The inevitable result will be an increase in the prices of footwear and other leather products. Anyone with a family knows that footwear is far from cheap and the passage of the Bill will mean a further heavy impost on the family man on the basic wage or a little above it. Because cost of living adjustments are not now made he is denied the belated recompense he used to get. It is deplorable that whilst the basic wage is frozen price rises should be allowed. The present system means nothing but a reduction in real wages. Those responsible for keeping our economy on an even keel should be prepared to take some action to protect the workers' standard of living by preventing price rises. I support the Bill.

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

FRUIT FLY (COMPENSATION) BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 1582.)

Mr. DUNSTAN (Norwood)—I support the second reading and welcome the provision for the payment of compensation following on the fruit fly campaign, but not because the compensation allowable will fully compensate the people for their losses. The people in the districts affected have been prevented from growing certain vegetables, particularly tomatoes and cucurbits which they would otherwise have been able to grow. This Bill will not compensate them for that, because they could not estimate their normal return. It is strange that in no other country have tomatoes and cucurbits been considered to be a host of the fruit fly. The department, although tomatoes and cucurbits have never been shown to be infected by fruit fly under field conditions, and only tomatoes under laboratory conditions, felt it would be safest to remove willy-nilly all tomatoes and cucurbits in case the fruit fly should affect them. This is a debatable policy, but it is a *fait accompli* and there is not much point in wingeing about it now. People in the districts concerned, particularly those who have relied on home grown fruit and vegetables, have suffered in the past year. I do not intend to move any amendments because I cannot see how there can be any compensation in relation to things they were not able to grow. The Bill does refer to compensation on the things that could be grown and I therefore weclome it, and all persons affected by the friut fly campaign will welcome it, too.

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

STOCK AND POULTRY DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1678.)

Mr. LAWN (Adelaide)—I support this Bill. I was most surprised to learn that at present no such legislation existed because I would think that under our present electoral

laws with two country members to one metropolitan member in this House the country members would have made adequate provision relating to stock diseases. The Bill provides that the authorities shall be notified of the outbreak of certain stock diseases. It empowers the Government to declare certain diseases as notifiable, and makes it mandatory for veterinary surgeons, owners of stock and other persons to supply full information concerning outbreaks of these diseases. There is provision to enable quarantine if necessary, and the Bill also grants power for the removal and prohibition of stock in certain areas where it is considered essential by the authorities. The Chief Inspector, with the approval of the Minister, has power to destroy diseased stock. The Bill provides for similar powers relating to the health of stock as those relating to the health of human beings and I see no reason to oppose it as it is in the interests of both the community in general and stock owners.

Mr. STOTT (Ridley)—I support the Bill. Two years ago I asked the then Minister of Agriculture whether he would give consideration to providing that foot and mouth disease should be notifiable but at that time he was not prepared to do so because of difficulties he could foresee. However, it is now apparent that the Department realized the necessity for making this a notifiable disease. Some difficulties will arise in the early stages as a result of farmers purchasing stock in which the disease is not apparent and does not become apparent for some time. However, those difficulties will level out as the seasons progress. The Bill is a step in the right direction because many farmers in the past have suffered as a result of purchasing stock infected with this dreaded disease. The provision for making compensation payments is commendable. When the disease becomes obvious an owner must notify the Minister or an inspector and subsequently a compensation claim can be lodged.

Mr. CORCORAN (Victoria)—The purpose of the Bill is to confer on the Government powers to make regulations for the purpose of preventing the introduction and spread of foot and mouth disease and other diseases in stock. It will enable the authorities to exercise control over foot and mouth disease which has such a ravaging effect on stock. If necessity arises, in order to prevent the spread of the disease, the stock may be destroyed and provision is made to enable the payment of compensation to those owners whose stock are sacrificed. From the Minister's speech it is apparent that the disease is widespread in Asia, Africa and South America. So far Australia has been free of the disease. He said:—

> The quarantine provisions of the Commonwealth are rigorously enforced with the object of preventing the introduction of this and other diseases into Australia but the Commonwealth Department of Health has expressed the view that no form of quarantine can be a sufficient guarantee against the introduction of the infection of such a disease as foot and mouth disease and has suggested that plans should be formulated with a view to dealing with any occurrence of the disease in Australia.

In the South-East, particularly in the heavy clover land, there are frequent outbreaks of foot rot in sheep. If anyone becomes aware of the fact that certain herds are infected it is their responsibility to notify the authorities in order that the matter may be dealt with. The Bill makes an attempt to prevent the spread of diseases and provides means of efficiently dealing with any disease that may occur, and I support it.

Mr. WHITE (Murray)—This is a desirable Bill. Australia generally has been free from attacks of disease in its animal population. I believe that is due to the strict supervision that has been exercised by departmental officers. The Minister said that foot and mouth disease can spread very rapidly and if any member reads any of the books in the Parliamentary Library on this disease they will discover ample proof that that is so. It is desirable to have legislative machinery to deal with any outbreaks that may occur. In order to indicate the effects of this disease I have some figures relating to outbreaks in America. In 1914-15 the disease occurred in 22 States and during the outbreak 77,240 cattle, 85,092 swine, and 9,767 sheep had to be destroyed. In California in 1924-25, 58,791 cattle, 21,195 swine, and 28,382 sheep were slaughtered. It is abundantly clear that it is essential to have power at all times to control any outbreak, and the Bill is worthy of consideration. I support the second reading.

Mr. BROOKMAN (Alexandra)—This is drastic legislation but it is designed to control a drastic and serious disease. I point out that the powers in this Bill are not confined merely to diseased animals suffering from foot and mouth disease but also to animals quarantined by reason of the disease. Experience in other countries reveals that an enormous slaughter of animals occurs where foot and mouth disease appears. In Canada recently thousands of perfectly healthy cattle were destroyed simply because of the risk of their spreading the disease to other parts of the country. If

this disease ever appears in Australia we will suffer severely from the slaughter of healthy animals as well as diseased animals because of the serious nature of the disease. I support the second reading.

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

EVIDENCE ACT AMENDMENT BILL.

In Committee.

(Continued from October 19. Page 1052.)

Clauses 3 and 4 passed.

New clause 2a—"Unsworn testimony of children."

Mr. DUNSTAN—I move to insert the following new clause:—

2a. Section 12 of the principal Act is amended by adding at the end thereof:—Provided also that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

Section 12 provides for the taking by the court of evidence of children of tender years without those children being sworn. Children of tender years are those under 10 years of age, and my proviso brings the section into line with the English Act; in fact, the wording is almost precisely the same as the English Act. The effect of the amendment is that an accused shall not be convicted unless the evidence of the child is corroborated in some substantial point implicating the defendant. That is the law in practically all other parts of the British Commonwealth. I have moved this amendment following on a recent court case in which a man was convicted on the unsworn, uncorroborated testimony of a child of six by the majority verdict of a jury. The judge, and the judges of the Court of Appeal to which the case was taken, considered that the facts as stated by the child could not have taken place within the time predicated by her account of them. Her story had several serious discrepancies. The accused should be given the benefit of the doubt, and I believe that in this case an innocent man was wrongly convicted. Section 12 often applies in indecency cases, in which the minds of the jurymen are usually inflamed. It is inevitable that members of the jury would think, "What if this were my child? What would I be feeling now?" I asked the Government some time ago whether it intended amending this section because the Court of Appeal saw fit to draw the attention of the legislature to the difference between our law and the laws of other parts of the British Commonwealth. In his reply the Minister stated that the court did not make recommendations to Parliament, but merely drew the attention of the legislature to any discrepancy in the law. I shall read certain parts from the judgment of the Court of Appeal in this case. It states:—

It is submitted that what the girl said took place during the short journey would have taken a certain length of time. Upon that, our view is the same as that of the learned Chief Justice, namely, that it is difficult to believe that the incident happened exactly as the girl said, because the events to which she spoke could not happen in the time predicated by her account.

That is the extraordinary feature of this case. The jury had to disregard that extraordinary aspect in order to convict the accused, yet the majority brought in a verdict of guilty against the advice of prosecution counsel, defence counsel, and the judge himself. The judgment continues:—

The learned Chief Justice has informed us in his report that he does not feel able to say that the verdict was not in accordance with the truth, but he has also said that if the question had been for him he would not have been prepared to say that the guilt of the appellant was proved beyond any reasonable doubt.

Now we come to a most important point, for it is the expressed view of the Court of Criminal Appeal:—

The acceptance of the unsworn and uncorroborated testimony of a young girl of tender years against the sworn denial of the man she accuses of indecency must necessarily demand the closest scrutiny, and may well excite a feeling of uneasiness that justice has not been done.

Then at the end of the judgment, the judges go on to discuss the position in other States and in England. They say:—

In England under the Children and Young Persons Act, 1933, where in any proceedings for any offence any child of tender years called as a witness does not, in the opinion of the court, understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth . . . provided that where evidence admissible under that section is given on behalf of the prosecution, the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

That is the proviso that I am seeking to insert in the Act. The judgment continues:—

Somewhat similar legislation is in force in (*a*) New South Wales. The Crimes Act 1900 sec. 418. (The operation of the section is limited

to charges in respect of certain sexual offences including indecent assault.) (*b*) Victoria. The Crimes Act 1928 sec. 435 (also limited to charges in respect of certain sexual offences.) (*c*) Queensland. (1) The Children's Protection Act 1896 S. 7; (2) The State Children's Act, 1907, S. 74 (2). (The operation of each of the above sections is limited to charges under the respective Acts.) (*d*) Western Australia. The Evidence Act 1906, S. 101. (*e*) Tasmania. The Evidence Act 1910, Sec. 128. (*f*) Dominion of Canada. Canada Evidence Act, R.S.C. 1906, Ch. 145. Sec. 16. (This section is wider than the English section and enables the unsworn evidence of a child of tender years to be received in any civil or criminal proceedings. The wording of the West Australian and Tasmanian sections appears to have been based on the Canadian section.) All the Statutes just mentioned, while permitting the unsworn evidence of a child of tender years to be used in proceedings for certain offences, recognize the dangers inherent in such evidence and require corroboration of the child's statement to support a conviction. In this State corroboration of the unsworn evidence of a child under 10 years received under section 12 of Evidence Act is not essential. In this respect South Australian legislation differs from all the legislation abovementioned. For the purposes of this appeal, however, the higher standard of proof required in cases of this nature under the legislation of England and the other States of the Commonwealth is immaterial: and we cannot say that the verdict is unreasonable or cannot be supported having regard to the evidence merely because in England and the other States a conviction upon such evidence could not be upheld. Section 12 of the Evidence Act 1929-1933 was based on section 377 of the Criminal Law Consolidation Act 1876 (as amended by section 6 of the Evidence Amendment Act 1925). The present appeal seems to us to afford some ground for our venturing to draw the attention of the Legislature to the existing provisions of the Statute law in force in England and the other States dealing with the same subject matter.

Obviously, the Court of Appeal was suggesting to this House that it look at this legislation and bring it into line with that prevailing throughout other parts of the British Commonwealth. In his reply to my recent question the Minister quoted a report from the Crown Solicitor saying that, had my amendment been in force, a guilty man would not have been convicted; but in this case I believe an innocent man has been convicted, and members should hold to the ancient principle of British law that it is better that our laws should provide that 99 guilty men should be held innocent than that one innocent man should be found guilty. It is the concern of this Legislature to see that innocent men are not convicted. Time after time the courts have said that it is unsafe to convict on the uncorroborated evidence of a prosecutrix in a sexual offence case and doubly unsafe where that prosecutrix is of tender years and giving unsworn evidence. The minds of such children are not sufficient to enable them to stand up to detailed cross-examination, and the defendant is always at a disadvantage both in that respect and because a long history of sexual criminal law proves that children invent stories. For those reasons the courts have found time after time—and laid it down as a rule of law—that it is unsafe in those cases to convict. In the light of that principle the jury should be told by the legislature, "If it is unsafe to convict you should not convict" unless the corroboration is forthcoming, in which case it will be safe to convict.

Mr. TRAVERS—The amendment raises an important question that should not be lightly dismissed. I have had much experience in cases of the type referred to by the honourable member for Norwood (Mr. Dunstan) in which one of the most difficult things can be the testing of the evidence of young children. It is a position that calls for the utmost skill and tact because some children will respond to gentle treatment administered to persuade them to give up a false position, whereas others respond only to harsh treatment, and in any court one always risks incurring the displeasure of the judge or jury; therefore the defence in these cases is a most difficult task.

After much consideration of this matter, however, I find myself unable to support the amendment. I do not take that stand on a Party basis. In these charges of indecency by a young child against a man we must consider the matter from the point of view of the accused, the accuser, and the public who are entitled to protection. In 90 per cent of these cases where an offence has been committed, no corroboration is available because the man who commits the offence chooses a moment when there is no-one around to see him; therefore, if corroboration were an essential prerequisite to conviction in all these cases to which I refer, the guilty persons would all escape conviction. In a few cases there is available support from medical evidence, but for corroboration there must be independent evidence that the offence was committed and also that the accused committed the offence; therefore, medical support cannot be corroborative.

From the point of view of the accused, the accuser and the public two things are of equal paramount importance. It is important

that an innocent person be not convicted, but it is equally important that a person guilty of this type of crime be convicted so that the public may be protected. Therefore, if members accept the amendment many cases would necessarily go unpunished, and in all probability they would be cases in which a person would deny his guilt. In those circumstances he would not be brought into court for he would necessarily gain his acquittal because of the direction of the law. The case presented by the honourable member for Norwood does not stand without parallel in other branches of the law. For instance, under section 9 of the Evidence Act an aborigine is not sworn: he may give his evidence unsworn the same as the child under 10 years of age under section 12. The reason for these provisions is the same: both are not sufficiently informed about the sanctity of the oath and about the Deity that prompts people to respect the oath.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. TRAVERS—In the normal course of events charges such as those mentioned by Mr. Dunstan, or in fact any criminal charges, have to be proved beyond reasonable doubt and evidence has to be given on oath. The evidence of young children is an exception to that rule, but it is not the only exception. If it were, one would feel more inclined to say that the amendment is necessary, but under section 9 aborigines are placed in the same category. They may not be sworn and may give evidence not on oath. It is significant that there is no provision in their case requiring corroboration. In section 12 there is a reference to evidence by young children not being given on oath and corroboration not being required. There is also a third category, where an accused person may make a statement not on oath. That is a survival of earlier days when it was not considered competent for him to give evidence on oath. Only in recent years has an accused person given evidence on oath. Not in any of these instances is there provision for corroboration. If we accept the amendment we must look at all these things. There are a number of instances where the matter of corroboration arises. It has been the teaching of judges, lawyers and medical men for many years that in connection with charges of sexual offences there must be corroboration. Then there are cases where children are concerned, and where corroboration is necessary. The law takes the view that the imagination of a child is such that corroboration is required. There is a similar rule in connection with claims against deceased estates. The law looks for strong proof, but not necessarily corroboration, before it will agree to claims. Then there is the matter of corroboration under section 32 in relation to breach of promise of marriage cases. Then there are perjury trials. It is a reasonable rule that one witness cannot swear that another witness has told lies. There must be some corroboration in connection with perjury charges.

Corroboration assumes a large place in our law. In the type of case we are dealing with it must often happen that no witnesses are available and that the accused person escapes punishment on a matter he would not be prepared to deny on oath. I think it would be wrong to make a provision, notwithstanding the history of the provision in other States, requiring corroboration as a requisite of proof. It seems to me that a satisfactory middle course could be devised but this is not the place to devise it because we are dealing with a Bill to repeal one rule of law only. A satisfactory approach to the difficulties mentioned by Mr. Dunstan is to be found in relation to affiliation proceedings, where a charge is made against a man of being the father of an illegitimate child. In affiliation proceedings it is only if an accused person denies on oath the paternity of the child, or the relations which produced the paternity, that corroboration is requested. Some rule such as that may be satisfactory in connection with proceedings against male persons for sexual offences against children. It has happened that there is no available witness and that the accused person is not prepared to deny on oath. If some rule could be devised under which an accused person in a case of this kind gave evidence of denial, and the court could direct that he not be convicted without corroboration, it might meet the case. It would not be desirable to have such an amendment unless it were fitted into the general pattern and applied to the cases mentioned by me. Young children for a variety of reasons often make untrue statements. I do not suggest that they are more prone to wickedness than adults. On the contrary, they are less so, but they have a great imagination. Instances have occurred where children have told stories and adhered to them when it has been impossible for the stories to be true. Apart from the fact that approaching puberty plays strange tricks on them, there are such things as telling a story to save themselves from blame, and

having told the story they stick to it. Some protection is required in respect of the evidence of young children, but it is not required for the purpose of giving protection to a person who is not able to deny that he committed an offence. Where a person does deny that he has committed one, it is extremely dangerous to permit him to be convicted on the unsworn and uncorroborated evidence of a child.

If the amendment were altered to cover cases of the type I envisage I would be happy to support it. I make no comment on the case referred to by the honourable member where the trial judge said he did not feel able to say that he was satisfied with the innocence of the accused. If he had felt able to say it, he had ample power to direct a verdict of not guilty. I do not agree with the report that was read by the Minister of Education from one of the Crown Law officers in relation to this case, where it was said that the decision of the Full Court was further proof that the guilty man might have escaped but for the existence of the section. The functions of the Full Court on appeal do not extend to examining the facts. That is a matter for the jury. We must take trial by jury in whole or not at all. We cannot say that we want trial by jury and also want the Full Court to over-rule the jury on questions of fact. In a case of that nature the Full Court considers whether the trial was conducted in accordance with legal principle and whether it was reasonably open to the jury to reach the conclusion it did. In that particular case the Full Court decided that the trial had been conducted in accordance with legal principles and the proper directions given, and simply said, in effect, "It was open to the jury; it was their job, not ours, and it chose to believe this witness." It is quite misleading to suggest that there was any proof provided by that case that this section was necessary in order to catch a guilty man. I would prefer to see a number of these sections reviewed and brought into line. Unless the honourable member alters his amendment to make it apply only to cases in which an accused person has given evidence upon oath in denial I will oppose it.

Progress reported; Committee to sit again.

BREAD BILL.

Consideration in Committee of Legislative Council's amendments:—

No. 1. Page 1, line 5 (clause 2)—Leave out "1949".

No. 2. Page 1 (long title)—Leave out "1949".

The Hon. T. PLAYFORD—These amendments are both directed to the same purpose, namely, to keep in force the amending Bread Act of 1949. This Act deals with the wrapping of bread and has nothing to do with the weight of bread. As the Bill is limited to matters affecting the weight of bread, there is no occasion to repeal the legislation respecting wrapping, and it is due to an oversight that the repeal of the 1949 Act was included in the Bill. If the amendments are agreed to the 1949 Act will remain in force and will later be incorporated in the Local Government Act, where it properly belongs.

Amendments agreed to.

PUBLIC SERVICE ACT AMENDMENT BILL (GENERAL).

Consideration in Committee of Legislative Council's amendment:—

Page 3, line 15 (clause 4)—After "Governor" insert "or a Minister".

The Hon. T. PLAYFORD—The amendment made by the Council was proposed by the Government. It is a necessary minor amendment, but does not affect the policy of the Bill. The Bill as introduced contained a definition of the word "member" when used to indicate a member of a statutory board, and referred to such members as being appointed by the Governor. It appears, however, that there are one or two boards—the Phylloxera Board is one of them—which has members appointed by a Minister. It is obvious that the provisions of the Bill dealing with retirement from statutory boards should apply equally to members of such boards whether appointed by the Governor or by a Minister. The amendment will provide for this.

Amendment agreed to.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Consideration in Committee of Legislative Council's amendment:—

Page 1, line 19 (clause 3)—After the word "shall" insert the words "for the purpose of assessing the duty payable thereon".

The Hon. T. PLAYFORD—This is a drafting amendment to clause 3, which deals with the assessment of duty on gifts given duty free. It was suggested to the Legislative Council that the clause as drafted would negative the effect of a "duty free" provision altogether, so that the beneficiary of a gift given free of duty would be liable for duty as though the gift had not been so given. In other words it was thought that the clause affected the incidence of the duty and not its

amount. This amendment was inserted in order to make it clear that clause 3 did not alter the incidence of duty but applied to assessment of duty only. Although the Government did not think that the clause had the effect suggested, the Government accepted the amendment on the ground that it would do no harm, and would remove possible doubts.

Amendment agreed to.

LICENSING ACT AMENDMENT BILL.

(Continued from December 1. Page 1649.)

Mr. STOTT moved—

That it be an instruction to the Committee of the whole House that it has power to consider a new clause relating to permits authorizing grocers to sell wine and brandy by the bottle.

Motion carried.

In Committee.

Clause 6—"Distiller's storekeeper's licence," which Mr. Quirke had moved to amend by inserting after "amended" in the first line of the clause "by striking out the word 'two' in the fourth line of subsection (1) and inserting in lieu thereof the word 'one' and".

Mr. QUIRKE—Section 23 of the principal Act states that every distiller's storekeeper's licence shall authorize the distiller to sell "in quantities of not less at one time than two gallons of one kind of spirits." The Bill proposes to amend that to read "in quantities of not less at one time than two gallons of spirits." My amendment will amend the principal Act to read "in quantities of not less at one time than one gallon of spirits." Under the Bill anyone permitted to supply mixed spirits, say Scotch whisky and brandy, will be able to supply one gallon of each, but there are many distilleries that supply nothing but brandy. Under the Bill they can only supply quantities of two gallons, or a dozen bottles, or more. Under my amendment they will be able to supply quantities of one gallon or more of mixed spirits.

The Committee divided on the amendment:—

Ayes (8).—Messrs. Brookman, John Clark, Davis, Macgillivray, Quirke (teller), Riches, Stott and Teusner.

Noes (21).—Messrs .Geoffrey Clarke, Corcoran, Dunnage, Fletcher, Goldney, Hawker, Heaslip, Hincks, Hutchens, Jenkins, McAlees, McIntosh, O'Halloran, Pattinson, Pearson, Playford (teller), Shannon, Stephens, Travers, Frank Walsh and White.

Pairs.—Ayes—Messrs. Lawn, Dunstan and Fred Walsh. Noes—Mr. Christian, Sir George Jenkins and Mr. Michael.

Majority of 13 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 and 8 passed.

Clause 9—"Restriction of women to serve liquor."

Mr. FRED WALSH—I think the object of this clause is to enable women who are employed as drink waitresses to take liquor from a bar and serve it in another room, such as a lounge. Is that so?

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

Clause passed.

Clause 10—"Permits to sell liquor in restaurants."

Mr. FRED WALSH—I am not happy about this clause, which seems to be a departure from present practice. I do not think that liquor should be consumed in restaurants. How are we going to define a restaurant? I think there will be some difficulty in policing this provision. I would not have the same objection to the clause if hotel hours generally were extended.

The Hon. T. PLAYFORD—The present provision was inserted in the Act in 1935. It states:—

The occupier of any unlicensed premises as defined by subsection (3) of section 150 may apply to a special magistrate for a permt authorizing him to sell or supply dry wines and cider as defined by this section on those premises for consumption by persons taking *bona fide* meals thereon with such meals. In this section "dry wines and cider" means dry wines and cider manufactured in the Commonwealth of Australia, containing, in the case of wine, not more than twenty-five per centum of proof spirit, and, in the case of cider, not more than twelve per centum of proof spirit.

I have not heard of any complaints of abuse of that provision. The honourable member need have no fear that this provision will result in an undesirable state of affairs.

Clause passed.

Clause 11—"Permit to supply liquor with meals on licensed premises."

Mr. O'HALLORAN (Leader of the Opposition)—I move—

After "nine" first occurring to insert—

(*b*) by inserting the word "or" after the word "Sunday" in the seventh line of paragraph (*a*) of subsection (3);

(*c*) by striking out the word "or" in the seventh line of paragraph (*a*) of subsection (3) and inserting in lieu thereof the words "and between the hours of 1 o'clock in the afternoon and half-past 3 o'clock in the afternoon and between the hours of 6 o'clock in the evening and 9 o'clock in the evening on any."

My amendment provides that liquor may be supplied for an extra hour at Christmas day

dinners. It has been pointed out to me that the present time for the permissible service is not long enough and that it should be brought into line with the proposed exemptions relating to evening meals.

The Hon. T. PLAYFORD—I know of no objection to the amendment. Indeed, had the matter been mentioned when the Bill was being prepared it would have been provided for.

Amendment carried.

Mr. O'HALLORAN—I move—

To delete "(*b*)" and insert "(*d*)".

This amendment is consequential on the one already carried.

Amendment carried; clause as amended passed.

Clause 12—"Supply of liquor at expense of guests."

Mr. TRAVERS—I move—

After new subsection (2) to insert the following subsection:—

(3) It shall be a defence to a charge under paragraph (*a*) or (*b*) of section 202 of this Act if it is proved that the liquor to which that charge applies was supplied to a defendant in accordance with this section.

Clause 12 makes it lawful for an interstate visitor to have his guests supplied with liquor, but through an oversight the Bill does not extend the law to cover the act of the guest himself, which is extremely important.

The Hon. T. PLAYFORD—I know of no objection to this amendment.

Mr. MACGILLIVRAY—This clause is one of the most illogical in a very illogical Bill. It states that interstate and overseas visitors may entertain guests but no provision is made to enable South Australians who are travelling to enjoy the same facilities. This clause will create anomalies, particularly in towns near the State's borders. I am not prepared to move an amendment at this stage; I merely draw the Government's attention to this matter. The Government should see that this injustice to South Australians is rectified soon.

The Hon.. T. PLAYFORD—This provision is an innovation and it would be wise to observe its operation before making any proposals to extend it. This legislation will be kept under review and examined from time to time. If it appears desirable to curtail or to extend it in any way the attention of Parliament will be drawn to it. For a long time it has been considered somewhat adventurous to introduce a licensing Bill, but I consider this legislation needs periodical review the same as any other law.

Mr. STOTT—I am glad to hear the Premier's statement because, as has been pointed out by Mr. Macgillivray, this provision is anomalous. When the Premier is considering the removal of the anomaly, he should also consider providing that liquor may be supplied to a *bona fide* lodger who has travelled a distance of 50 miles or more.

Mr. QUIRKE—I express my appreciation of the Premier's remarks on this matter. For a long time it has been extremely difficult to have the Licensing Act considered at all. It is anomalous that, although interstate visitors may entertain me by purchasing the products I help to produce, I am not permitted to entertain them after hours in the same way.

Mr. RICHES—I oppose the clause. When I go into a home as an invited guest I expect to observe the customs and the wishes of the people who have invited me. When I go to another State I observe the laws of that State, and we should expect visitors to this State to observe our laws. I am not enamoured of any legislation that can in any way be regarded as class legislation. I do not view with enthusiasm a Bill that says that a visitor coming to Pt. Augusta by aeroplane from another State can entertain his friends after hours whilst a visitor from Adelaide cannot do so. I do not think the proposal is an improvement on the present position, and for that reason I will not support it.

Amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15 "Local option districts".

Mr. MACGILLIVRAY—I move—

Before "(2)" in subsection (1) of new section 223 to insert "(1a)",

with a view to inserting a new subclause. The clause makes a local option poll very much more local than previously. There has been criticism of the existing method of holding such polls. Attempts have been made to have a community hotel started in a certain area but people not interested in that area have been able to outvote the proposal. In this State there are four electorates that contain no subdivision. They are Chaffey, Gawler, Mt. Gambier and Wallaroo and they will get no benefit under the Bill. I discussed the matter with the Premier and on his suggestion I went to the Chief Electoral Officer. I asked him for the principles on which subdivisions were formed. He said that he had been in the office for about 25 years and during that time subdivisions had existed, but he had no idea of the principles on which they were formed

Checking further I found that some electorates have only 3,000 to 4,000 voters, yet have six subdivisions because of the large area covered. My district has over 7,000 voters, yet has no subdivision. In it there are three centres, Renmark, Berri and Barmera, all fairly thickly populated, yet with different interests. I feel that the district could be divided into three subdivisions for local option purposes. In Mr. John Clark's electorate of Gawler there are large towns like Lyndoch, Williamstown and Rowlands Flat, all having a different community life. With the Parliamentary Draftsman I have been in touch with the Electoral Office and the Licensing Court and there appears to be no objection to my proposal.

The Hon. T. PLAYFORD—In principle I have no objection to the proposal. The purpose of the clause is to make local option polls truly local, and to get away from large districts. At present a vote on a proposal could be dominated by a part of a district not interested in the prosposal. There is a practical objection to Mr. Macgillivray's proposal, because if the Governor proclaimed a subdivision there would be no roll. Voters' rolls are compiled on a subdivisional basis. In another part of the legislation there is a provision for people within a certain distance of a place to object to a licence being granted for that place. That has caused a great deal of administrative trouble. I think the proper way to deal with the honourable member's proposal is to cut his district into two subdivisions, one at Renmark and another at Berri. Under his amendment there would always be difficulty and the Governor would not be likely to make a proclamation because of the roll position. I will refer to the Attorney-General the four electoral districts mentioned by the honourable member and ask whether it would be possible to have two subdivisions at least in each. In view of that I ask the honourable member not to press his amendment.

Mr. FRANK WALSH—Recently there were some alterations in the subdivisions of the Commonwealth division of Kingston. There was the subdivision of Edwardstown. Because of a link-up in some way with the Postal Department that subdivision was cut into two, Edwardstown and Glandore, each having about 11,000 electors. There was also an alteration in respect of subdivisions at Colonel Light Gardens and Blackwood. This is a matter which could be examined by the Government. There is much merit in this amendment which warrants further consideration.

Mr. STOTT—I would like the Premier to consider whether the Electoral Office and the Licensing Court should not go into the question of local option districts. I cannot see any reason why the Licensing Court could not have a local option roll of its own. It would be quite simple for the Licensing Court, in consultation with the Electoral Department, to work out smaller subdivisions to be known as ocal option districts where local option polls can be held.

Mr. HAWKER—I fully appreciate the intention of this amendment, but I can see difficulties in dividing districts as suggested. As to Mr. Stott's suggestion that a special roll for local option districts should be created, I think it would represent a waste of public money. I have never known a local option poll to have been held in my districts for 30 years. It would be stupid to have a special roll for districts in which local options may never take place. I think the time must come when this question would be better handled by the Licensing Court, but I do not think the time is right now to make any alterations.

Mr. MACGILLIVRAY—This amendment was designed to correct what all members, including the Premier, admitted was a weakness in the Bill. I have the Premier's assurance that before the Act is enforced he will take steps to correct that weakness and I ask the Committee not to push my amendment.

The CHAIRMAN—Does the honourable member wish to withdraw his amendment?

Mr. MACGILLIVRAY—No.

Amendment negatived.

Mr. QUIRKE—I move—

In new section 224 (*b*) to delete ''may'' and insert ''shall subject to the provisions of Part IV. of this Act.''

The Act provides that in the event of a poll favouring an increase in licences the Court ''may'' grant an increase, whereas in the event of a decrease the Court ''shall'' decrease the number of licences. In one case it is mandatory and in the other optional. Part IV. of the Act contains 57 pages and refers to all factors which prevent a person from obtaining a licence. My intention is to make it mandatory for both increases and decreases in licences, but that if a resolution favours an increase it shall be subject to Part IV. of the Act.

Amendments carried; clause as amended passed.

Clauses 16 to 31 passed.

New clause 10A ''Permits for grocers to sell wine and brandy.''

Mr. STOTT—I move to insert the following new clause:—

10A. The following section is enacted and inserted in the principal Act after section 197a thereof:—

197b. (1) Notwithstanding anything contained in this Act any person carrying on business as a retail grocer may apply to the Licensing Court for a permit authorizing him to sell and supply on the premises on which he carries on such business any wine or brandy manufactured in the Commonwealth of Australia in quantities of not less than one reputed pint bottle of wine or one five ounce bottle of brandy to be taken away at one time by one person and not to be drunk on the premises in which such liquor is sold.

(2) The Licensing Court may in its discretion grant or refuse the application.

(3) A fee of twenty pounds shall be payable for every such permit.

(4) Every permit shall unless sooner cancelled or suspended remain in force for twelve months from the issue thereof and may be renewed on payment of the annual fee.

(5) The permit shall authorize the sale and supply of such liquor as aforesaid upon such days and between such times as liquor may be lawfully sold or supplied by the holder of a storekeeper's Australian wine licence under this Act, but not otherwise.

(6) A permit under this section shall not authorize the sale or supply of such liquor as aforesaid to any person to whom it is by this Act made unlawful to supply liquor.

(7) A person holding a permit under this section shall not on the premises specified in the permit sell or supply liquor otherwise than as allowed by such permit.

Penalty: One hundred pounds.

(8) The Governor may make regulations respecting applications for permits under this section, the mode of hearing and determining such applications, the conditions of such permits, the cancellation of such permits for offences and generally with respect to the duties and liabilities of the holders of such permits. Any such regulation may create offences punishable on summary conviction and prescribed fines not exceeding one hundred pounds for any such offences.

The Bill as it stands does nothing for the wine industry of South Australia and is worthless. This new clause will demonstrate to those engaged in the wine industry that this Parliament is prepared to do something by action and not by words. Parliament has voted £150,000 to build a distillery at Loxton to assist soldier settlers who are compelled to plant at least 20 per cent of the blocks to wine grapes. Therefore Parliament should give the industry an opportunity to find a market for its product. This new clause seeks to do that by providing that the Licensing Court may grant a permit to an ordinary grocer to sell bottled wine or brandy. All the safeguards necessary are included. A fee of £20 must be paid for every permit which shall remain in force for 12 months. The Governor may make regulations respecting the mode of hearing and determining applications, the conditions of permits their cancellation for offences, and generally with respect to the duties and liabilities of the holders. Any regulation may create offences punishable on summary conviction and prescribe fines not exceeding £100 for any offences.

Mr. Travers—What does this new clause do that section 18 of the principal Act does not do?

Mr. STOTT—Section 18 provides—

Every storekeeper's Australian wine licence shall authorize the person licensed to sell on the premises mead, wine, cider, or perry . . . in quantities of not less than one reputed quart bottle, to be taken away at one time by one person and not to be drunk on the premises in which such liquor is sold.

Mr. Travers—Does not that cover what you want?

Mr. STOTT—Not exactly. We want the ordinary grocer to be able to apply to the Licensing Court for a permit to sell quantities of not less than one pint bottle of wine or one 5 oz. bottle of brandy. The amendment has considerable support in the wine-producing districts. South Australia is known as the wine State and it is illogical for its Parliament to provide for the production of wine and require soldier settlers to plant a certain portion of their blocks to wine varieties of grapes and not to give them an opportunity to find a market. It is useless to argue that the United Kingdom should provide a market by lowering its duties against Australian wines. We have tried that without success. Their answer is the same as in respect of wheat, namely, "Put your own house in order". If this Parliament refuses to insert this new clause which will allow the wine industry to get better conditions it is useless to try to persuade the United Kingdom to get us out of our difficulty.

The Hon. T. PLAYFORD—The honourable member has been singularly badly informed regarding the attitude of the United Kingdom. She has never suggested that Australia should put its own house in order, nor will the amendment have the slightest effect upon the United Kingdom excise duty on our wine. Great Britain has a valuable trade upon the Continent, which is already lop-sided, and she has no desire to make it more lop-sided by discriminating against French wines. I assure the honourable member that the Chancellor of the Exchequer has no knowledge

of grocers' wine licences in South Australia; he has never raised the issue and probably has never thought of it. I have discussed the matter of excise duty with him and I can speak with some assurance. This amendment will have no bearing on the United Kingdom's attitude, which arises from totally different causes. Moreover, the amendment is completely illogical. We have discussed and passed a Bill through all the Committee stages which not only upholds the principle of local option but takes it further than it has ever been taken before by giving the people an opportunity of expressing a view on a particular topic.

Mr. Geoffrey Clarke—If they want more grocers' licences they can vote for them.

The Hon. T. PLAYFORD—The interjection is most apposite. If the public is in favour of additional grocers' licences there will be an opportunity under the local option provisions to conduct a poll in the last week of June next year. The honourable member gets over the problem of licences by calling them permits, but that does not alter the fact that these are licences and have always been known as licences and many of them are in existence. I ask the Committee not to accept the amendment. Although I am not questioning the mover's motives I believe that his proposition will be opposed overwhelmingly by all sections of the community.

Mr. Stott—They can do that under my amendment.

The Hon. T. PLAYFORD—If there is any section that desires additional storekeepers' licences there is opportunity to get them under the Bill. I see no reason for accepting the amendment, but every reason for rejecting it.

Mr. MACGILLIVRAY—The Premier said that the Bill does not deal with overseas marketing and that the British Chancellor of the Exchequer makes up his own mind on the excise duties he will levy on wine imported into England. However, that is a good argument in favour of the amendment, for if the overseas market does not help the wine industry obviously we must help it within the Commonwealth, particularly in South Australia, which produces 80 per cent of the Commonwealth production of wine. The Minister of Agriculture is now presenting a case for the wine industry before a Commonwealth organization, but his efforts will be futile if we do nothing to help ourselves in South Australia. When the Acting Federal Minister for Commerce and Agriculture helped the industry by reducing the excise duty on brandy he said, in effect, that it was a move by the Commonwealth Government to help grapegrowers, and he said it was time the States also did something to help themselves. I thought this Bill was introduced to help the growers of wine grapes. Often we have moves in Parliament to help the wheat, barley, or dairy industries, but members who are prepared to support those industries will not support any case for the wine industry. This Bill will not help the grapegrowers to any extent. Mr. Stott is only seeking an avenue to help returned soldiers on the River Murray and to give them an opportunity of selling their wares. Can any member say why they should not get this help? Why shouldn't they get the same consideration from Parliament that the prohibitionists get?

Mr. QUIRKE—We have passed clauses enabling local option polls to be held for the granting of additional licences, but Mr. Stott's amendment merely gives discretion to the licensing court to grant licences for the sale of wine by storekeepers. I wholeheartedly support his amendment. The local option system is one that is completely outmoded and antediluvian. It should be scrapped. We should appoint a licensing authority to control the issue of licences and also the premises that sell liquor under those licences. There is not one first-class hotel in South Australia compared with those in the other States and overseas, and that is the result of our stupid licensing system. We want a Licensing Court which will issue licences according to the need and we should get away from the inhibitions which are behind local option polls. If the amendment has done nothing else, it has drawn the attention of the Committee to a condition which should have been remedied long ago.

Mr. STOTT—In attacking the amendment the Premier made one of the most illogical statements I have ever heard from him in the House. All I am seeking is the right of the the Licensing Court to grant permits. The local option is not worth a cracker because what interests have people within 10 miles of Tailem Bend in a licence at Waikerie, 100 miles away? The Premier's statement does not make sense. Why should a person at Mannum have a say as to whether a storekeeper at Murray Bridge should get a licence? Under my proposal the Licensing Court would not grant a licence to every storekeeper in the main street of a town, but only the number warranted. If the people in a district object to a permit, they can

lodge their objection with the Licensing Court, which is bound to hear it. If the objection is substantiated the court will not grant the permit. The passing of the amendment would do a lot for the returned soldiers and the wine industry of the State.

Mr. SHANNON—Mr. Quirke had much to say about local option and how futile it was. I remind him that only a few moments ago he amended a clause in the Bill dealing with local option and then voted for the clause as amended. If the principle of local option is wrong, there was an opportunity in the Bill to deal with it, but the opportunity was not taken. There is no doubt this is an attempt to avoid the responsibility of local option. Surely the Committee would not be so foolish as to reverse what was done in a previous clause. That is what it is asked to do.

Mr. TRAVERS—The way Mr. Stott put his case suggests that someone in Parliament, precisely whom he did not say, was so minded as to make things difficult for the people who have been settled in the wine growing areas. If people proceed to expound a supposed grievance, it is a good thing to get down to tin tacks and let us know who are creating this difficulty for those settled on the land. If it is supposed to be the Government, through the medium of this Bill, it is totally false. Mr. Stott's amendment does not fit into any part of the Bill. The Act as it stands and as amended by the Bill contains a provision in section 18 which enables single bottle licences to be issued to grocers. For almost 75 years it has been the common practice to have these licences issued by the court, but it has also been the law for about the same period that the court must first have the approval by local option for the issue. Section 14 provides for a number of types of licences. The Act states that as a prerequisite to the granting of licences there must be a local option poll. Either deliberately or otherwise the honourable member for Ridley has included in his amendment all the provisions for local option, except that he seeks to exclude one type of licence from the local option system. I consider, however, that either all must be included under local option or all left out. There can be no possible basis for discrimination between types of licences. It has been said that somebody in this House is doing the wrong thing towards soldier settlers; but on the contrary this Bill does much towards enabling them to take steps through the medium of local option to get the court opened so that application may be made.

Mr. MACGILLIVRAY—Mr. Shannon suggested that the Independent members had a grievance in this matter, but I point out that three out of the four Independent members are concerned about the wine industry, which is one of the major industries in their districts. Some time ago Mr. Shannon sought support for an amendment to the Margarine Bill because he felt that the margarine industry constituted a serious threat to the dairying industry in his district. Our constituents are vitally interested in this legislation. The *Australian Brewing and Wine Journal* of September 20, 1954, contained the following statement under the heading "Lip Service by South Australian Government Condemned":—

> In my opinion it will be only partly effective in removing a state of over-production unless the Commonwealth and State Governments embrace and carry out the following objectives:—(1) Increased channels of distribution by unlimited grocers' licences.

At that time the wine industry wanted unlimited grocers' licences. When the members for Ridley and Stanley and I were negotiating with the Premier on this matter we asked, not for unlimited grocers' licences, but that licences be issued to certain districts so that any person could buy wine at these shops. What is wrong with that?

Progress reported; Committee to sit again.

ADJOURNMENT.

At 11.43 p.m. the House adjourned until Wednesday, December 8, at 2 p.m.