HOUSE OF ASSEMBLY.

Thursday, September 20, 1956.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

QUORN ELECTRICITY SUPPLY.

Mr. O'HALLORAN—My question relates to the changeover in the supply of electricity at Quorn, which I understand will become necessary in the near future following on the establishment of a barytes undertaking at Quorn. Can the Premier say whether an application has been made on behalf of the Quorn Corporation for financial assistance for the undertaking and, if so, whether the assistance can be made available by the Government?

The Hon. T. PLAYFORD—In connection with the establishment of a barytes undertaking at Quorn, one of the forms of assistance the Government promised to give the company was the erection of a high voltage line from Port Augusta to Quorn to supply the needs of the industry. Previously the town supply was undertaken by the corporation and I understand it was direct current. The arrangements include that the town will take the electricity in bulk from the Electricity Trust and that there will be a changeover from direct to alternating current. I do not know whether they have made an application in connection with the matter, which was brought to my notice by the chairman of the trust, who explained that the cost of the changeover would be about £21,000, that the local authorities had £5,000 and that it would be necessary for them to raise £16,000. After giving the matter some consideration I said that if the trust approved and made a recommendation I expected that Cabinet would approve a grant of £8,000 under the Act which allows subsidies to be paid to local government authorities for electricity supplies. I believe the arrangement will be satisfactory to the Quorn people. If they have not already made an application I suggest that the honourable member invite them to do so along the lines mentioned.

GOODWOOD-MARINO RAILWAY LINE.

Mr. FRANK WALSH—Has the Premier obtained a reply to the matter I raised during the Loan Estimates debate regarding the duplication of the Goodwood-Marino line and an expenditure of £4,000?

The Hon. T. PLAYFORD—I have a report from the Railways Commissioner as follows:—

The amount of £4,000 on the current year's estimates is to cover the completion of work on the unopened section between Goodwood and Edwardstown.

The Commissioner also states:—

It is not intended to continue with the duplication of the line beyond Brighton to Marino at the moment.

TRUST HOME RENTALS.

Mr. JOHN CLARK—Like other members, I was somewhat concerned to read in the press yesterday about the proposed increases in rents for Housing Trust homes, and I have since been approached by constituents on the subject. Has the Premier any further information that he can give the House in addition to Mr. Ramsay's statement? I also noticed that recently built houses will not be affected. Will the Premier say how recently built the houses are that will not be affected? There are a large number of trust homes in my district including a number of what I hope will come within the category of recently built homes.

The Hon. T. PLAYFORD—There are two types of houses involved in the rent increases. The first is temporary houses erected on the responsibility of the Government—emergency houses for which the trust did not take any financial responsibility whatsoever. I think there are about 2,000 of these, and they have been losing money fairly heavily for a number of years, which loss has been borne by the taxpayer. The Government has decided that the rents of those houses will be increased by from 10s. 6d. to 12s. 6d. a week. The present rents are quite low. The increases will bring in an additional £60,000 a year, and as a loss of £135,000 was made last year, there will still be a loss of about £80,000 on them. No member would consider that the rents should be kept abnormally low, much below the standard level, merely to avoid an increase in rents. As I mentioned during the Budget debate, another unfavourable matter is that many of the tenants who have had permanent homes offered to them are staying in these houses merely because the rents are so low. This means that they are not being turned over and fulfilling the purposes for which they were erected.

As to permanent homes, the trust commenced building them at a time when building costs were very low indeed, and as it has always budgeted to make the houses pay but not to make profits out of them, the rents were very low—in some, I think, only about 14s. a week.

Mr. Frank Walsh—Some were as low as 12s. 6d.

The Hon. T. PLAYFORD—As the cost of housing went up progressively, it was necessary to increase rents on new houses, and some tenants, merely because they had secured a house earlier than other applicants, were getting a large concession in rents, as well as the advantage of longer occupation. This matter was brought before Parliament which gave the trust authority to equalize rents irrespective of the time when the houses were constructed. The adjustments made quite recently are to give effect to the policy of keeping trust homes at fairly equal rents for the accommodation provided, not taking into account when they were built or occupied. I assure members that neither the Government nor the trust makes a profit out of rents of houses. This service is being undertaken as a service to the community at the lowest possible cost and every effort made to keep costs at the lowest possible level.

Mr. RICHES—When the emergency dwellings were first built we were told that their cost was to be amortized over 10 years, and as it is some years now since the last of those homes were built, can the Premier say what has happened to increase the cost of maintenance of those homes from the time when the rent was first fixed? Further, in my district—and I understand generally—the trust in allotting these homes has tried to see that they are reserved, in the main, for pensioners and other people unable to pay the normal rent charged for a permanent Housing Trust home; therefore, this increase of 12s. 6d. a week will be a heavy burden on a section of the community that will find it most difficult to bear. Can the Premier say whether that aspect has been considered by his Government?

The Hon. T. PLAYFORD—The emergency housing scheme has always lost large sums of money—about £135,000 a year. I took the view that as the amortization was over 10 years that amount probably should not be regarded as a true loss because of the residual value I expected would be in the homes at the end of 10 years. Since then, however, we have had some experience of their residual value for we have had occasion to shift some of them and have found that the materials of which they are constructed do not lend themselves to easy movement and that the residual value will not be very great at the end of 10 years if they have to be shifted. Although there will be some residual value at the end of 10 years I assure members that the loss we are now sustaining will more than offset any residual value they may have. Concerning the other topic mentioned, it is true that in the administration of the emergency housing scheme we have occasionally made some remissions on compassionate grounds, and those remissions will be maintained; there is therefore no alteration in policy in that regard. There are, however, many tenants in emergency homes who are well able to pay the full economic rent and in those circumstances the Government believed it was fit and proper that the general taxpayer should be protected and the proper rent charged for those homes.

WOMEN JURORS.

Mr. TAPPING—Has the Attorney-General a reply to my recent question regarding the appointment of women on juries?

The Hon. B. PATTINSON—Cabinet has considered the matter again, but it is not proposed to introduce a Bill during this session to enable women to serve on juries.

ROAD DAMAGE ON RELIABILITY TRIALS.

Mr. LOVEDAY—Will the Minister representing the Minister of Roads ascertain if the promoters of the Ampol trial have consented to paying any compensation for the damage done to the Port Augusta-Woomera-Kingoonya road as a result of the assessment which was to have been made by the Highways Department?

The Hon. B. PATTINSON—I have not received any advice on the matter, but will take it up again with my colleague and let the honourable member have a reply in due course.

CADELL PRISON FARM.

Mr. HAMBOUR—Has the Premier the information I asked for regarding the establishment of a prison farm at Cadell?

The Hon. T. PLAYFORD—The question of construction of a prison farm at a site along the River Murray between Morgan and Loveday is the subject of investigation by the Public Works Committee. Until it has reported on the project, the Government is debarred by statute from taking any further action thereon.

ALIENATION OF PARKLANDS.

Mr. LAWN—Can the Minister representing the Minister of Local Government say under what power can the Adelaide City Council fence off portions of the parklands, thus precluding the public from walking there? I have in mind the establishment of a bowling green. I understand from a statement by the Premier last

year that where any lease has been given for the use of the parklands on a permanent basis an Act of Parliament is required, and this would be necessary in the event of the establishment of a second oval. Can the Minister say under what powers the council can fence off portion of the parklands for lease as a bowling green?

The Hon. T. PLAYFORD—I have recently seen an opinion obtained by the City Council from its solicitors in which it was demonstrated that the council has a general power under certain sections of the Local Government Act to develop the parklands and create ovals or recreation grounds and other amenities upon them. The second point which immediately arises is whether it would be possible to charge admission into these enclosures, and that is a very much more involved legal point, but on the balance I would venture the opinion that if any area is fenced off pursuant to the general power provided under the Act charges of admission to the public would not be allowed. I have already informed a representative of the council that it is not from the point of view of the legal position we have to consider this matter but that of having a proposal which is generally acceptable. If the legal position did not allow the council to do it, provided it was a satisfactory proposal I have no doubt Parliament would take action to give the council the necessary power. On the other hand, if there was not general acceptance of the proposal I doubt whether the council would be able to proceed with its plans even if it had the legal power, because no doubt amendments would be made to the legislation to stop the proposal if it did not meet with public approval. Therefore, it is a question of getting a proposal which has public acceptance.

Mr. Lawn—What about bowling greens being fenced off to keep the public out?

The Hon. T. PLAYFORD—I believe the general powers provided in the Local Government Act enable that to be done.

BRIGHTON RAILWAY LINE.

Mr. FRANK WALSH—Has the Premier a reply to my recent question about the provision of telephone services and platforms for diesel railcars on the Brighton railway line?

The Hon. T. PLAYFORD—I have received the following report from the Railways Commissioner:—

We have no telephonic communication with Ascot Park and Emerson on the Goodwood-Marino line, and do not intend to install same at present. The existing platforms on that line are capable of taking the new diesel railcars now in operation on other lines. A check has been made of transport requirements for workers in industry, which discloses that the provision of a train to arrive in Adelaide between 7.30 and 8.07 a.m. is not justified.

ADELAIDE BOWLING CLUB LIQUOR LICENCE.

Mr. LAWN—What procedure is required to obtain liquor permits or club licences for clubs with premises in the parklands, and which authority grants them?

The Hon. T. PLAYFORD—The licences would not be granted by the City Council, but by the Licensing Court. I presume that the honourable member's question relates to the Adelaide Bowling Club, which for many years leased from the Government a piece of land adjoining Kintore Avenue and had a club licence. The City Council was anxious to get that land to enable it to extend Kintore Avenue and provide a through street from Gawler Place to the north and thus relieve traffic congestion at the intersection of King William Street and North Terrace. The council negotiated with the Government for a transfer of the title of the bowling club's land and the Government said it would be prepared to transfer it free of cost to the council, providing the council took care of the lessee who at present occupies the land and who has been a lessee of the Government for very many years. The council had to negotiate with the bowling club for alternative premises in order to secure the land and the right of way through to the north. I understand that satisfactory arrangements have been made with the club, and that the Licensing Court has approved the transfer of the licence to the new site.

Mr. LAWN—Following on my earlier question to the Premier, I wish to state that I knew that the Adelaide Bowling Club licence was being transferred, but I would like to know why this club received such attention. Other bowling clubs have applied for permits for liquor licences and have been refused. I am not saying that they should necessarily have been granted, but the fact is that this particular club on Government land obtained a licence, and when the Adelaide City Council desired to utilize that land for the purpose of easing the traffic problem in the city, the Government would only make it available on the condition that the council gave the club another situation somewhere else in the parklands. Who constitute the Adelaide Bowling Club, and why have they received this special treatment?

The Hon. T. PLAYFORD—Regarding the first question, the club has a licence because Parliament made special provision in the Licensing Act for a number of sporting bodies which were in existence before a certain period to have licences. That provision has probably been in the Act for the last 60 years. I do not know the circumstances that led to the passing of that Act, but probably six or eight clubs have the right to have a licence by virtue of that provision. I do not know of anyone personally as being a member of the club. I may know several of the members as citizens. The only person I know who was associated with that club—and I do not know whether he is still a member—was Mr. Peter King who, at one time, was my official driver in the Premier's Department. He mentioned on two or three occasions that he would be going to the club on a particular night. The Government took action, not out of personal regard for any person, but because the club had the legal lease over the land and the Adelaide City Council wanted that land transferred to it to provide another outlet from the city. I can assure the honourable member that no aristocratic preference was given in this matter.

Mr. Lawn—Why doesn't the Government show the same consideration to other members of the public when it acquires land?

The Hon. T. PLAYFORD—If we acquire land we always indemnify a person who has a legal lease of it.

Mr. Lawn—You do not provide them with a place elsewhere.

The Hon. T. PLAYFORD—Parliament has stipulated that when the Government acquires land from a person with a legal right, it must indemnify that person. I have stated the facts which I believe are in the public interest.

TRAFFIC HOLD-UP ON PORT ROAD.

Mr. STEPHENS—Has the Premier a reply to the question I asked some time ago with reference to the hold-up of trolley buses to Port Adelaide caused by the University students' procession?

The Hon. T. PLAYFORD—Yes, I have received a report which states that trolley buses were delayed on August 10, 1956, owing to a students' procession and to the attendance of fire brigade appliances at the C.M.L. building.

RENMARK-PARINGA SHUTTLE SERVICE.

Mr. KING—Will the Minister representing the Minister of Railways review the existing railway shuttle service between Renmark and Paringa with a view to providing a better service for motor vehicles, firstly, to avoid the long delay now being experienced by motor vehicles which will be aggravated as flood risks recede and the weather warms up, and, secondly, if some form of precedence over tourists can be given to motorists with more urgent business, particularly as this railway service may have to cater for all road users needing to cross the river at Renmark for the next six months or longer?

The Hon. B. PATTINSON—I know from my personal knowledge that the Minister of Railways has this matter constantly under review. I will bring the specific question to his notice and endeavour to get a reply as soon as possible.

HENLEY BEACH-GRANGE RAILWAY SERVICE.

Mr. TAPPING—On behalf of the member for Hindmarsh and at his request, I ask the Minister representing the Minister of Railways if he has a reply to the question asked by the honourable member on September 5 with regard to the Henley Beach-Grange railway service.

The Hon. B. PATTINSON—The Railways Commissioner reports as follows:—

When the new service came into operation, as from August 26 last, the number of trains between Adelaide and Henley Beach was increased from 35 to 39 in each direction, with an approximate even spacing of 30 minutes between trains. Concurrently with the new service operated by the diesel railcars, the running time between Henley Beach and Adelaide was reduced from 36 to 30 minutes. It is true that with the present availability of new diesel railcars, sufficient seats are not available for all peak hour trains. It is not unreasonable to expect a certain number of standing passengers during the peak period. However, when more of this equipment becomes available, it will be possible to ease this position somewhat.

PERSONAL EXPLANATION: LOTTERY BILL.

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

Leave granted.

Mr. STEPHENS—Today's *Advertiser* reports that the member for Hindmarsh (Mr. Hutchens) spoke yesterday on the Lottery and Gaming Act Amendment Bill and made certain statements about hospitals. I point out that he was not present in the House yesterday and it seems likely that, as he sits next to me, the

statements I made were attributed to him. I made the statements that appeared in the press, and I do not want Mr. Hutchens to be blamed for my sins.

STAMP DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 19. Page 657.)

Mr. O'HALLORAN (Leader of the Opposition)—I do not think any honourable member—particularly members of the Opposition—relishes having to pass legislation imposing additional charges on the people, but it seems to me that there is no alternative but to accept the additional charge proposed in this Bill. I will not oppose the second reading but there is one point I find difficult to understand. The Bill provides for the additional duty to be paid on documents drawn or issued after December 3, 1956, but clause 6, subclause (3), says that the section shall be deemed to have come into operation on September 10, 1956. I cannot understand why there should be such a retrospective provision. Can the Premier explain the position? The Bill was not introduced until after September 10.

The Hon. T. PLAYFORD (Premier and Treasurer)—We desire the legislation to be operative as soon as possible, for the longer it is delayed the smaller will be the amount to go into general revenue this year. It was necessary for the printing of the cheques to be done before the Bill was introduced. I arranged with the banks to co-operate in having the cheques printed and properly stamped before the Bill was introduced and passed.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Rate of duty on cheques."

Mr. QUIRKE—We are reaching the stage where the increase in the rates of stamping is becoming burdensome, not only to private individuals but particularly to business undertakings. When a firm sends out an invoice to a customer the stamp cost is 3½d. Then a statement is sent out at a cost of 3½d. When it is returned with the cheque another 3½d. is spent, and the return of the receipt costs 3½d. The stamp duty on the cheque will be 3d. Up to this point, apart from the paper, printing and labour, the cost has reached 1s. 5d., and then there is the cost of the duty stamp. On such a transaction the cost cannot be much less than 2s. As I said yesterday, it all comes back to our rickety economic structure. We have made no attempt to deal with it except to prop it up for a longer period. The imposition of these additional duties has an inflationary tendency.

Clause passed.

Clause 5—"Operation of Act."

Mr. HAMBOUR—Will the Premier explain why this legislation will operate from December?

The Hon. T. PLAYFORD—We desired to enter into an arrangement with the banks to have properly stamped cheque forms in their possession promptly so that they could be used immediately the Bill was assented to and we would not lose revenue as we would if the printing had to be done after the Bill was approved. The banks agreed to produce their present stocks of cheques to be over-stamped.

Clause passed.

Remaining clause (6) and title passed. Bill read a third time and passed.

HOMES ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Homes Act, 1941, provides a method whereby Government assistance is given to persons desirous of purchasing their own homes. The Act provides that, where mortgage loans are made by one or other of the lending institutions mentioned in the Act, the Treasurer may guarantee the repayment of the loan. The guarantee is limited to the amount which represents that part of the loan which is in excess of seven-tenths of the value of the house and the guarantee is limited to one-fifth of that value. The effect is that, if a mortgage loan is made up to 90 per cent of the value of the security, the guarantee relates to the part of the loan which represents from 70 to 90 per cent of the value.

Section 7 of the Homes Act sets out certain conditions which must be complied with before a guarantee may be given. Among these is the condition that the interest charged on the loan is not to exceed 5 per cent if paid within 14 days after the due date and 5½ per cent if paid later. These interest rates were fixed by the amending Act of 1952. Since that time there has been an upward trend in mortgage interest rates and the rates now generally charged by lending institutions are in excess of those specified in the section.

It is therefore proposed by the Bill to increase the permissible interest rates and it is

provided that the Treasurer is not to guarantee a loan if the interest rate charged on the loan exceeds 6 per cent if paid within 14 days after the due date and 6½ per cent if paid after that time.

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

HIDE AND LEATHER INDUSTRIES LEGISLATION REPEAL BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to repeal the Hide and Leather Industries Act, 1948, and the Hide and Leather Industries Act Suspension Act passed in 1954. The control of the sale of hides in the Commonwealth began during the war, and was conducted under National Security Regulations. In 1948 the scheme ceased to be conducted under National Security Regulations, and was regulated instead by joint legislation passed by the Commonwealth and the States.

The scheme continued in operation until August, 1954, when the Commonwealth Government found it desirable to bring the scheme to an end, and passed legislation suspending the operation of the Commonwealth Hide and Leather Industries Act, 1948, except to the extent necessary to enable the Australian Hide and Leather Industries Board to wind up its affairs. In the circumstances, it became necessary for South Australia to pass similar legislation, and honourable members will recall that this was done in 1954. The board has completed the winding-up of its affairs, and the Commonwealth Parliament has passed legislation repealing the Commonwealth legislation dealing with the marketing of hides. There is now no further purpose in retaining the South Australian legislation on the Statute Book, and this Bill effects the necessary repeals.

Members may ask whether there were any surplus assets when the winding-up of the board's affairs was completed. The answer is that when the board completed the winding-up of its affairs, approximately £5,000 in cash was left over. The Commonwealth Act provides for this sum to be applied towards any claims outstanding against the board, the cost of any legal proceedings in respect of such claims, and subject to such payments, for the benefit of the hide and leather industries in such manner as the Minister of Commerce and Agriculture shall approve.

Mr. O'HALLORAN—I do not think any purpose would be served by asking for an adjournment, because this Bill is a machinery matter that has become necessary to repeal a Statute that has served its purpose. Consequently, I see no reason why it should not be passed forthwith.

Bill read a second time, and taken through Committee without amendment. Committee's report adopted.

ROYAL STYLE AND TITLES BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

Since 1953 there has been some doubt as to the correct method of describing Her Majesty Queen Elizabeth in forms and other legal documents taking effect by virtue of the law of South Australia. The present Bill has been introduced with the object of settling this question. In England the Royal titles are declared by proclamations authorized by Acts of Parliament. Such Acts have been passed from time to time as changes have occurred in the territories under the rule of the Sovereign. For example, alterations in the titles were made in 1927 when Southern Ireland ceased to form part of the United Kingdom, and in 1947 after India had become independent.

Prior to the passing of the Statute of Westminister 1931 an alteration in the Royal titles operated throughout the whole of the Sovereign's dominions. This Statute, however, contained a recital the effect of which as regards Australia was that any alteration in the law touching the Royal titles must receive the assent of the Commonwealth Parliament. In accordance with this principle the Commonwealth Parliament has passed two Acts dealing with the Royal titles, one in 1947 and the other in 1953. The Act of 1947 authorized the omission of the words "Emperor of India" from the Royal titles. By the Act of 1953 the Commonwealth Parliament gave its assent to the adoption by Her Majesty for use in relation to the Commonwealth of Australia of new titles which had been previously agreed on between the Prime Ministers of the British dominions. Pursuant to this Act the Queen made a proclamation on the advice of the Commonwealth Ministry assuming the title "Elizabeth the Second by the Grace of God of the United Kingdom, Australia and her other realms and territories Queen, Head of the Commonwealth, Defender of the Faith".

This proclamation is the only indication which we have of the titles by which Her Majesty desires to be known in Australia. It does not seem likely that any proclamations will or can be made declaring a special title for use in each Australian State. The question, however, has been asked whether the title assumed by the Queen on the advice of the Commonwealth Ministry is for use only in connection with Federal matters or whether it should be used in both State and Federal documents.

The new title is substantially different from that which had previously been used in State documents. In the Constitution Act and in other statutory forms and documents the Sovereign has been described by old titles not applicable to modern conditions. It would be unreasonable to continue to describe Her Majesty by these obsolete titles, and the only satisfactory alternative is to adopt the new titles which Her Majesty has proclaimed for use in Australia. However, where forms are prescribed in an Act of Parliament there is always some doubt as to whether they can be altered by administrative or executive action and it is desirable that the South Australian Parliament should now give authority for the use of the new Royal titles in forms and documents prescribed by or used under South Australian Acts of Parliament. It is therefore proposed by this Bill to declare that the titles proclaimed by Her Majesty under the Commonwealth Act in 1953 shall be a sufficient description of Her Majesty in any document operating under or by virtue of South Australian law.

Mr. DUNSTAN secured the adjournment of the debate.

LIMITATION OF ACTIONS AND WRONGS ACTS AMENDMENT BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

Its object is to make some alterations in the law respecting the time within which actions for certain torts must be brought. Honourable members are aware that under our law almost every kind of civil action must be brought within a prescribed period after the cause of action arises. If an action is not commenced within the time allowed the defendant may plead that it is statute-barred and the action cannot proceed.

Most of the periods of limitation are fixed by the Limitation of Actions Act, 1936, which is a consolidation of a number of old enactments. Under this Act there are three different periods of limitation for actions based on tort. The period for actions for slander is two years, and this Bill does not affect this period. The period for actions for assault, trespass to the person, menace, battery, wounding or imprisonment is three years. For all other forms of action in tort the period is six years.

In recent times there has been a difference of judicial opinion on the question whether actions for personal injuries caused by negligence must be brought within three years or six years. In order to explain how the doubt arose it is necessary to go back into history. From the early days of English law until about 1875 there were two forms of action for torts. One was called an action of trespass, and the other an action of trespass on the case or, more shortly, an action on the case. Trespass was the remedy for direct and forcible injuries. Case was the remedy for wrongs not amounting to trespass. Over the years there has been a judicial difference of opinion as to whether actions for negligently causing damage to persons and property were actions of trespass or actions of case.

In 1936 Mr. Justice Cleland, after considering the English authorities, held that an action for negligence causing injuries to the person was an action of trespass and was governed by the three-year limitation. The general trend, however, of judicial decisions is that all actions based on negligence are actions on the case and are therefore governed by the six-year limitation. Mr. Justice Ligertwood in 1953 and, quite recently, Judge Sanderson have indicated that they held this view of the law. It is therefore probable that the period of limitation for actions for personal injuries caused by negligence is six years and not three years, as was formerly thought. If the period is six years, the anomaly exists that an action for a wilful trespass to the person must be brought within three years, by reason of section 36 of the Limitation of Actions Act, whereas an action for a negligent trespass must by virtue of section 35 be brought within six years.

In these circumstances it is desirable to remove the doubt about the time for bringing actions for personal injury caused by negligence, and to adopt one rule for all actions based on personal injury whether caused wilfully or negligently. England and Victoria

have recently passed laws providing that every action in which damages for personal injuries are claimed must be brought within three years. It is proposed in this Bill to adopt a similar rule. It is desirable to adopt the shorter period because a substantial proportion of the actions for personal injuries affect the liabilities of insurance companies and, indirectly the premiums which have to be charged for insurance. The longer actions for damages are delayed, the more difficult it becomes for insurance companies to know the amount of their losses. It might be thought that if the period of limitation for actions for personal injuries is to be three years then the period for all actions in tort should also be reduced to three years. There is a good deal to be said in favour of consistency in this matter. However, as the general limitation of six years has been in the law for a long while and is well-known and understood the Government is not now proposing to alter it.

In drafting these amendments the opportunity has been taken to delete from the principal Act references to actions of trespass and of trespass on the case, and to refer simply to actions founded on tort. The other matter dealt with in the Bill is the time for commencing actions under the fatal accidents provisions of the Wrongs Act. By the common law of England no action lay for causing the death of a human being; but by legislation commonly known as Lord Campbells Act the dependants of a person killed by the wrongful act of another were given a right of action against the wrongdoer. It was provided in Lord Campbell's Act that every such action must be brought within 12 months after the death. From time to time it has happened that through ignorance, poverty or other cause persons who would be entitled to bring such actions do not commence them within 12 months, and in such cases considerable hardship and loss may result. It is anomalous that an action for injuring a person can be brought at any time within three years after the cause of action, whereas an action for causing the death of a person has to be brought within 12 months. There is no justification for such different rules, and it is proposed in this Bill to amend the fatal accidents provisions (which are now contained in Part II of the Wrongs Act) by substituting a limitation period of three years for the 12 months now prescribed.

The amendments proposed in this Bill, as regards the general limitation for actions of tort, will not apply to any case where the cause of action arose before the passing of the Bill. Such cases will be governed by the old period of limitation, which in the majority of cases is six years. But the extension of the period for bringing actions based on fatal accidents will apply both to past and future causes of action. The old period of 12 months was undoubtedly too short, and it is in the interests of justice that the extended period of limitation proposed in this Bill should be available to any person now having a cause of action based on a death caused by a tort.

Mr. DUNSTAN secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 18. Page 604.)

Mr. O'HALLORAN (Leader of the Opposition)—I am in a most amiable mood this afternoon and find that this is another Bill to which I can raise no valid objection. It proposes that the present minimum of 5s. for water charges for vacant land and 15s. for other land shall be repealed and the right vested in the Minister to fix the minimum charges, as he already does for water rates generally. I agree that the lesser responsibility of fixing these minimum charges should be vested in the Minister as he already has the greater responsibility of fixing water rates vested in him. Also, the question of fixing minimum sewerage rates has also been vested in him. I have noticed from time to time that a considerable number of vacant blocks are held in built-up areas. Water and other services have been provided at great cost to the community, and these have benefited the owners when they disposed of their blocks. Under this proposal it is certain that some increase in the minimum charges will be made, and thus a little more revenue recouped to the State for the expenditure in providing these services. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 318.)

Mr. JENNINGS (Enfield)—The Opposition does not propose to vote against the Bill because it realizes that we are faced with something which is an accomplished fact.

The Bill amends only one section of the Act which deals with interest rates. The original interest rate was fixed in 1944 at 4 per cent at a time when the bond rate was 3½ per cent. In the original agreement, and indeed in the debate, there was no suggestion that there would be any occasion to vary the rate. I suppose at that time we had a stable economy in Australia and it was felt that interest rates might be constant for many years. Unfortunately, through the action, or lack of action, of the Federal Government during the intervening time we now find interest rates have drastically increased, so it is necessary, apparently, to increase the rate on moneys advanced to the Enfield General Cemetery Trust.

Mr. Quirke—This Bill is an open cheque.

Mr. JENNINGS—It does not increase the interest rate, but in his second reading speech the Minister said:—

It is obvious that with the long-term bond rate now standing at 5 per cent the interest rate on advances to the trust should be in excess of 4 per cent.

The Bill also provides that instead of the interest rate being fixed now it will be fixed from time to time by the Treasurer and, as the member for Burra just interjected, it is an open cheque. Although we deplore increased interest rates we realize that the State Government is not primarily to blame, and that the Federal Government is principally at fault in allowing the rates to rise. As a result, it seems necessary in the interests of South Australian taxpayers to increase the interest rate on loans made to the Enfield General Cemetery Trust. Of course, the Opposition does not object at any time to altering an Act of Parliament if it feels this to be in the interests of the community, but it is interesting to examine the attitude of the Government on this question. After all, this Bill represents a breach of faith with the trust. When the Leader of the Opposition last year moved a motion about the Broken Hill Proprietary Company's iron ore leases the Government took an entirely different attitude from what it is taking on this Bill. Exactly the same principle was involved in the Leader of the Opposition's motion, but the Premier said then:—

I have stated publicly I would under no circumstances be a party to the repudiation of an express agreement that has been entered into.

However, he has now brought down legislation that breaks a solemn undertaking made only a few years ago. The late unlamented member for Torrens (Mr. Travers) also spoke on the Leader of the Opposition's motion about the B.H.P.'s leases. He said:—

It is a blatant, open and dishonest act of repudiation that the Opposition is sponsoring.

Then we moved up a grade when the member for Onkaparinga (Mr. Shannon) spoke. He said:—

I hope this motion is turned down by a thundering majority to ensure that the people who depend on a sound, reliable Government in this State need have no fear that any agreement entered into by them will broken.

However, the member for Onkaparinga will no doubt support this Bill. After he had spoken on the Leader of the Opposition's motion we heard from our radical friend, the member for Mitcham (Mr. Millhouse), who said:—

What is proposed in this motion is immoral, dishonourable, and foolish.

The principle to which members opposite objected last year so violently is the same principle they are enunciating in this Bill. The Opposition will not vote against it, for we realize that interest rates have gone up and that the State is not primarily responsible for that, but we do not have to amend our principles to refrain from actively opposing it because we believe that Acts can be altered at any time by another Parliament, or even by the same Parliament. We do not believe an Act of Parliament passed 100 years ago, or even one year ago, should be binding in perpetuity. I assure the House that the money being made available by Parliament to the Enfield General Cemetery Trust is being well used, and that the trust is doing a splendid service for the district and the State.

Bill read a second time and referred to a Select Committee consisting of Messrs. Coumbe, Jennings, Laucke, F. H. Walsh, and the Hon. C. S. Hincks; the Committee to have power to send for persons, papers and records and to report on October 9, 1956.

HOUSING AGREEMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 315.)

Mr. O'HALLORAN (Leader of the Opposition)—The important part of this Bill is the schedule, which contains the new agreement between the Commonwealth and the State Governments to take the place of the original agreement which was negotiated during the regime of the Chifley Labor Government in 1945. There are some important differences between the new agreement and the old one with which I should like to deal. In the 1945 agreement there was a provision that rents

should be determined on what was called an economic basis, and for a subsidy to assist persons whose family income was considered insufficient to meet rents fixed on that basis. In other words, provision was made to assist the less well-off sections of the community to meet the financial difficulties brought about by rising rents. It is true that this State never took advantage of that section of the agreement. As a matter of fact, it did not take advantage of any of the provisions of the agreement except the financial provisions, and that was some time after the other States had taken advantage of it. I suggest that some of our citizens have lost a good deal because of that, and the Government alone is to blame. The 1945 agreement also provided that the Commonwealth would make money available for housing loans at the rate of 3 per cent per annum. The new agreement raises that rate of interest by 1 per cent to 4 per cent per annum, and it has been calculated that that will increase the rent of a house costing £2,500 by £25 a year. We have ample illustration of the impact on house rents as a result of the increase in interest rates insisted on by the present Menzies-Fadden Commonwealth Government, in the announcement made yesterday that rents of Trust homes generally are to be increased by an average of approximately 7s. a week. It is all part of the price that we are called upon to pay because the Commonwealth Government has bowed the knee to Shylock. It set out deliberately in the early stages of its career to raise interest rates, and its action has had far reaching consequences. It so disturbed the bond market that the price of bonds was depreciated until many investors, particularly the small ones, lost confidence in that type of investment. The result has been difficulty in filling the necessary Government loans required to meet the capital financial requirements of the States.

As I have already pointed out, that has been responsible for increasing the cost of housing at a time when wages have been pegged through the action of an instrumentality of the Commonwealth, an action which this Government has taken no steps whatsoever to relieve. It is true that in all the other States action has been taken by the State Governments to relieve, as far as possible, the impact of wage pegging, and cost of living adjustments have from time to time been made available to those employed by the State or working under State awards. This Government has taken no action whatsoever in that regard.

The present rate of interest of 4 per cent is an improvement on what it would have been if the full bond rate had been charged, and for that reason I have to support the Bill. That rate is 5 per cent, or perhaps 5½ per cent, so that with that alternative before us we on this side of the Chamber must support the Bill. There is however, another aspect of it which merits some comment, and this aspect was touched on by the Minister when he moved the second reading of the Bill some little time ago. The Commonwealth has insisted that a proportion of the amounts made available to the States under this agreement must be used for home owner finance, I think 20 per cent for the first two years and 30 per cent for the remaining three years of the agreement. Personally, I am in favour of people owning their own homes wherever possible, and I suggested during the last election campaign that steps should be taken by the State to assist people in that regard, particularly young couples commencing their married lives, by allowing them to secure homes on a low deposit. I still believe in that, but I do not think that the building of rental houses should suffer as the result of the Commonwealth forcing the State to apportion 20 per cent for the first two years and 30 per cent for the remaining three years towards the home ownership fund. As the Minister pointed out, it can only result in a reduction in the number of rental houses built and in a lengthening of the period which will be required in order to adequately house those many thousands of people who are still seeking houses.

There is another point in conection with the home owners' fund that I find difficult to understand. In referring to the amount to be made available, the Minister said:—

> The terms of the arrangement are to the effect that advances to building societies and other institutions are to be made at an interest rate not exceeding ¾ per cent more than the agreement rate of interest, that is, 4¾ per cent at present. The advances are to be repayable in instalments over a period not exceeding 31 years. . . . The societies and institutions are to use their advances for mortgage loans which can be up to 90 per cent of the value of the security but are to have terms not exceeding 31 years. The rate of interest on these mortgage loans is not to exceed 1½ per cent more than the agreement rate of interest, that is, 5½ per cent at present.

From that statement it appears that the Government will make a profit of ¾ per cent on funds advanced to building societies and other institutions to make home ownership

possible under this scheme. The societies will also make a profit of ¾ per cent as a result of their transactions with borrowers. I do not object to societies making that profit because they will have administrative costs to meet, but what costs will the Government have to meet that justify a rake-off of ¾ per cent on the transaction? The House is entitled to know that before it accepts this legislation.

In the old agreement preference was given to ex-servicemen. From memory, I think the old agreement stated that a quota of houses to be determined from time to time between the Commonwealth and State Ministers should be made available for ex-servicemen. There was no fixed quota, but it was determined according to the circumstances prevailing. In this agreement there is a virtual quota of 50 per cent. Clause 14 (1) of the agreement states:—

> Subject to this clause and to subclause (4) of clause 13 of this agreement, each State will allot dwellings to persons who are in need of proper housing accommodation in such order of priority as it decides.

Clause 13 (4) refers to certain preference being granted to serving personnel—that is to personnel actively serving in the various branches of our defence forces. I have no objection to that because I realize that these men are transferred from State to State and place to place and obviously are not able to establish a priority for the allotment of a house to them under the ordinary system of determining priorities. They represent only a small number and provision is made for the Commonwealth to compensate the State to the extent of 50 per cent of the amount involved each year. Clause 14 (2) states:—

> As far as possible fifty per centum of the dwellings erected from time to time by a State under this agreement shall be allotted to—
>
> (*a*) members of the Forces;
>
> (*b*) dependants of members of the Forces; and
>
> (*c*) widows of deceased members of the Forces.

I do not object to the most adequate provisions being made for ex-members of the forces and for widows of deceased members, but I do not think it wise to insert a clause fixing a definite percentage. The old provision enabling the matter to be determined by agreement from time to time was more flexible and more utilitarian. Of course, as time elapses the number of ex-service personnel seeking housing must necessarily decrease and the number of civilians seeking housing must increase because a large number of young people who were not able to serve in World War II are now marrying and seeking accommodation. If this new provision is rigorously implemented these people will be at a disadvantage. Although I do not like the new agreement—and the old agreement was infinitely preferable in every respect—this is undoubtedly the best we can obtain and I do not oppose the second reading.

Mr. FRANK WALSH (Edwardstown)—I support the Bill, although I am not pleased with the agreement, especially when I recall the housing agreement framed by the Chifley Government, which gave assistance to workers on the lower incomes. They were permitted to pay what was regarded as a normal rent for the houses they occupied. We have been told that the rents of Housing Trust homes are to be increased. I am not pleased with the proposed increases, some as much as 12s. 6d. a week. I shall have more to say on this matter later. People now purchasing Housing Trust homes have a millstone around their necks, but despite that many more people are desirous of getting trust homes. Under the agreement the State Bank is recognized as an authority to assist in the building and purchase of homes. Under its home building group scheme the State Bank provided a high standard home, which compared more than favourably with the home built by the Housing Trust. I cannot understand why the Government interfered in this matter. The State Bank enabled houses to be built at cheaper prices with more equity in them than did the Housing Trust. It was because of what the State Bank could do in home building that it was recognized as an authority.

There should be a different approach to housing. The present-day cost of a home exceeds £3,000, which presents a difficulty. We should provide homes of proper architectural design and with a decent standard of accommodation. If this were done the homes could be increased in size to meet family needs. It should not be compulsory for newly-married couples to accept five-roomed houses when three rooms with all amenities would be sufficient for them for the next four or five years. I am concerned about the difficulty newly-married couples have in meeting the present cost of the larger homes. Workers in industry are not earning as much as they did a short time ago. In my district there has been a decrease in the number of people engaged in industry. Those displaced may have been engaged in industries elsewhere, but there are always

a number of people lined up in Currie Street inquiring about work. There are not the same number of people employed today as 12 months ago. That may be due to the "horror" Budget introduced by the Commonwealth. Nevertheless, the weekly pay envelope is not as great as it was and therefore the money is not available to meet the present high cost of homes. I believe we could well consider revising some of our home building activities, not to lessen the standard but to reduce the size of homes and thereby the capital cost involved. This would give young people a reasonable chance to reduce their principal indebtedness by voluntary payments.

The Housing Trust will not build as many homes for rental in the next 12 months as it has built in the past, but will construct a greater proportion of homes for sale. This policy will cause hardships. Under clause 14 of the Agreement, 50 per cent of the dwellings are to be allotted to members of the forces or their dependants or widows. I have received information that in one of the trust's most recent allocations the decided preference went to the class of people mentioned in the Agreement, and as there is a big waiting list, with many ex-servicemen, the outlook is grim for people who do not possess the qualifications mentioned in this clause. The biggest burden on the people is the high rate of interest that was readily agreed to by those who control these rates in this country.

Mr. DUNSTAN (Norwood)—I support this Bill, although not with any great enthusiasm because it represents a complete departure from the principles upon which this money was originally granted to the States and from the standard laid down by the Commonwealth Commission on Housing after it had made an exhaustive examination of the housing needs of Australia in 1943 and 1944. The basis of the original agreement was that money was to be provided for the States to build houses, there was to be an economic rental charge for them, and where the occupants' income fell below a certain level—a level that would enable them to be able to pay an economical rental fairly and reasonably—they were to be given a rebate of rentals. The whole basis of that report was that housing should be allotted according to need and that people should pay according to their capacity. This State did not accept money under the Commonwealth-State Housing Agreement until the Government that brought it into force had left the Treasury benches. In the original Agreement, the method of allocation was set out in clause 5, which provided:—

Each State shall allocate dwellings between metropolitan and country areas in such manner as shall from time to time be agreed upon between the Treasurer of the Commonwealth and the Treasurer of the State.

There was also to be a further agreement between the Commonwealth and the State as to the method of allocation. The Commission originally reported on the method of allocation and worked out the basis upon which houses should be allotted strictly according to need, but what happened under the Agreement when we accepted it? Houses erected under it were not allotted strictly according to need. The Premier of this State had determined that nobody would be able to get a rebate in rents under the Agreement—in other words, the poorer people would not be able to take advantage of it. When those of us who were concerned about the crowded housing conditions in the metropolitan area tried to get our constituents into these houses we found that a limit was placed on the income; a minimum income was required of the people who were to go into them. That minimum was £14 a week when the average industrial wage in this State was £13 9s. 2d. In other words, the Commission's proposals of allotting houses according to need and of charging rents according to ability to pay were completely abrogated, because the average income of people who went into these houses was £16 a week, far greater than the average industrial income. These homes were designed so that the poorer people would get accommodation, but these people did not benefit because of the actions of the State Government and the inactivity of the Commonwealth Government, which did not concern itself to see that the principles of the Agreement were carried into effect or that this State complied with the Agreement by seeing that the people who needed the houses got them. Today we find that even the original provisions of the agreement which were designed to protect the poorer people of the community are eliminated in this agreement, which provides not that so many rental houses shall be built, but in effect that, as the Premier said in his second reading explanation, there will be a decline in the number of rental houses able to be built by the Housing Trust. That is a gross reflection upon the present Federal and State Governments and is just another example of how benefits given to the poorer people so that they might enjoy a measure of social security have been taken away by Liberal Governments.

Mr. Jenkins—Is it only poor people who are in emergency accommodation?

Mr. DUNSTAN—The agreement provides adequately for people in better circumstances, but the previous agreement protected people who were living in emergency accommodation and could not afford other exorbitantly-priced accommodation by seeing that they could get into houses whether they had the money to pay the economic rent or not. Under the new agreement, however, that is no longer the case. Indeed, in my district at present there are many people requiring houses, but what chance have they? They may get a trust rental home if they are willing to wait about seven years, but have little chance of getting an emergency home for there are simply no vacancies. What is the alternative? If they are on a small wage they must pay the exorbitant sums now being charged by landlords owning houses that become vacant.

Only this week I met two men, both with sizable families and earning about £14 a week, who had been evicted under local court orders. No emergency homes were available for them although both had applied. Each of those men took a tumble-down, semi-detached cottage in King Street, Norwood. On the cottages becoming vacant the landlord had slapped a coat of kalsomine on the walls, but this had almost peeled off already; yet for each three-roomed maisonette the landlord was charging £6 a week.

Mr. Jenkins—Furnished?

Mr. DUNSTAN—No, unfurnished, and that is a typical case. If the honourable member will come with me I will take him to George Street, Stepney, where people are living under the most ghastly conditions simply because they have nowhere else to go. Other people are paying £6 a week for a caravan. How they manage to make ends meet while paying such exorbitant rent I do not know. The original agreement was designed by a Federal Labor Government to protect such people by seeing that houses were allotted strictly according to need.

Mr. Jenkins—Are we to infer that people enjoying a good income do not need houses?

Mr. DUNSTAN—Judged on the basis of need they may not need them as much as the people to whom I have referred. I know many people from my electorate who have moved into Housing Trust homes merely because the trust was able to fulfil their applications, but their need was not a tithe of that of others who have a real need but have been denied by the Premier any rebates in rents, although the rebate system was originally designed by the Federal Government to protect them.

Mr. Quirke—It was a subsidy.

Mr. DUNSTAN—Yes, so that those people would be able to get a roof over themselves and their families, but that subsidy has been taken away, as have so many other subsidies. Under the Liberal Governments in Canberra and Adelaide the income of the community is being redistributed away from the poorer people of the community to the richer, and this new agreement is only another unsavoury example of the same trend. The sooner the people return a Government willing to act on the recommendation of commissions such as the Commonwealth Housing Commission and to see that the poorer people are adequately protected, the better it will be for the Australian economy.

Mr. QUIRKE (Burra)—I support the Bill, but like the honourable member for Norwood (Mr. Dunstan) I regret the losses that have taken place in transit from the original Housing Agreement to the contents of this Bill. In this House I have often referred to the necessity to adequately house the family, and I believe that if there is one cancerous growth that is eating into the life of Australia today it is the inability of too many families on low incomes to obtain houses. Indeed, I go further than Mr. Dunstan and say that, unless a couple have at least £1,750 today, they cannot obtain a house under our Advances for Homes Act or any other legislation. How can anybody on £14 a week save that amount? What is the alternative? This is an emergency. Mr. Dunstan said he could take members to his district and show them shocking housing conditions, and even named the streets. We do not doubt that he could do that, but they are not the only places.

Mr. Dunstan—They are representative.

Mr. QUIRKE—Yes. There are places in other parts of the State where the need is just as urgent, and that need is growing more urgent every day because costs are mounting and ability to purchase is static. When one has a fixed income and costs are mounting one gets into trouble. We are building a legacy of trouble for ourselves because housing costs are rising and the nutritional level of the family unit is falling because one cannot buy the expensive highly nutritious foods of today on a declining amount of real income.

Although I do not oppose this measure I feel very strongly on this matter for I consider

that the security of a nation is built on the unit of family life and if that is attacked in any way by neglect or maladministration, not only the economic structure, but the heart and core of the nation will collapse. That is a danger which confronts Australia today. Such conditions should not exist. If the cost of a house is beyond the economic capacity for a man to pay, he must be subsidized, and that was the original intention. That is one of the ways of stopping the inflationary trend not only in relation to housing, but many other things.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New Clause 4—"Authority to make certain payments."

The Hon. T. PLAYFORD (Premier and Treasurer)—I move to insert the following new clause—

4. (1) All money advanced to the State pursuant to the said agreement, other than money which pursuant to clause 16 of the said agreement is to be paid into the Home Builders' Account referred to in the said clause, shall be paid to a special account in the books of the Treasurer, and the Treasurer may, out of the money so credited and without any further appropriation than this Act, from time to time pay to the South Australian Housing Trust such sums as are required for purposes specified in the said agreement other than the purposes referred to in the said clause 16.

(2) The Treasurer out of money paid to him by the South Australian Housing Trust and out of the money in the said Home Builders' Account, shall, from time to time and without any further appropriation than this Act, pay to the Commonwealth the money which the State is required to pay to the Commonwealth under clauses 9 and 10 of the said agreement.

(3) The Treasurer out of money paid to him by the South Australian Housing Trust shall, from time to time and without any further appropriation than this Act, pay to the Commonwealth the money which the State is required to pay to the Commonwealth under clause 6 of the Commonwealth and State Housing Agreement referred to in the Commonwealth and State Housing Agreement Act, 1945, and under clause 14 of that agreement as set out in clause 4 of the agreement referred to in the Commonwealth and State Housing Supplemental Agreement Act, 1954.

The object of the amendment is purely administrative. At present the State receives from the Commonwealth a certain amount for special purposes provided in the agreement. Taking a pedantic view, it may be held that it is necessary to get appropriation from Parliament for the payment of the money. The amendment is to make it clear that the moneys received under the agreement can be paid to meet the terms under the agreement without Parliamentary authority on every occasion. Under the agreement we have to provide a certain amount for the home builders' fund, a proportion of which goes to building societies. Any money made available to building societies but not used will not lapse, but can be used in accordance with other terms in the agreement.

Mr. O'Halloran—Can it be used for rents?

The Hon. T. PLAYFORD—We can only use it for home builders' houses. That does not worry me very much, because we have always built, even before these provisions, rather more at any time than the total number required for sale. So the provisions in this regard are not onerous to the Government. In most years we have built more than twice as many sales houses as we were required to do under the Act. When a sale house is built it means that a certain proportion of the money comes back in the form of a deposit, which is immediately available for building another house, but when we build a rental house that immobilizes the total amount. We can build more sale houses with the same amount of money than rental houses.

New clause inserted.

Schedule and title passed; Bill reported with an amendment.

TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

The Hon. T. Playford, for the Hon. G. G. PEARSON (Minister of Agriculture), having obtained leave, introduced a Bill for an Act to amend the Travelling Stock Waybills Act, 1911-1947. Read a first time.

ADJOURNMENT.

At 4.27 p.m. the House adjourned until Tuesday, September 25, at 2 p.m.