HOUSE OF ASSEMBLY.

Wednesday, November 7, 1956.

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

QUESTIONS.

LIVING WAGE CASE.

Mr. O'HALLORAN—This morning's *Advertiser* contained a report that the Attorney-General yesterday stated in another place that as a result of a Cabinet decision the Government had intervened in the living wage case now before the Industrial Court and supported the employers' application for an adjournment of the case. Can the Premier say whether that is correct, and, if so, are we to assume that, in connection with wage justice to South Australian workers under State awards, the Government's action will in future render the court inoperative?

The Hon. T. PLAYFORD—The Government is an employer, and as such it did intervene in the case. In regard to arbitration hearings, both the employer and the employee submit a case as they see it. There is nothing to suggest anything unusual in this matter. An application has been filed before the Commonwealth Arbitration Court for an adjustment of the basic wage and, as the State determination would affect only a limited number of persons, the Government believes the proper procedure is for the Commonwealth Court to consider the matter and then for its decision to be made applicable to all workers subject to arbitration in this State. That is the reason for the Government's intervention.

MURRAY RIVER FLOOD RELIEF.

Mr. JENKINS—Following on the question I asked the Premier yesterday as to whether any of the £800,000 Federal grant for flood relief would be devoted to the Lower Murray, can he say whether the allocation of £500,000 that he mentioned is to be used to rebuild banks of private swamp landholders as well as Government banks?

The Hon. T. PLAYFORD—The reply I gave yesterday in connection with the requirements for the expenditure of £500,000 in the lower Murray area applied to Government reclaimed land. It did not include any of the estimated cost of re-establishing embankments on private swamps. The Minister of Lands will get an estimate of what is involved in their re-establishment and then the matter will be considered by Cabinet.

BUSH FIRES INQUIRY.

Mr. FRANK WALSH—Has the Minister of Education obtained a reply from the Attorney-General regarding the inquiry into bush fires which broke out on January 2, 1955 (Black Sunday)? Has the Coroner given a verdict following on the inquiry held by him on the bush fires, and, if so, has it been printed or can copies be made of it?

The Hon. B. PATTINSON—The honourable member advised me that he intended to ask this question and I have obtained the following reply from the Attorney-General:—

1. The Coroner conducted a number of inquests into various fires which occurred on Sunday, January 2, 1955.

2. Written findings have been given by the Coroner, copies of which can be obtained from the Attorney-General's Office by parties who have a legal interest in the matters.

MURRAY RIVER FLOOD: ELECTRICITY CHARGES.

Mr. SHANNON—From inquiries made from the Electricity Trust this morning I gather the matter raised yesterday by me in regard to the charging of averaged amounts to certain people along the River Murray whose houses have been flooded has now been resolved. Can the Premier indicate the decision?

The Hon. T. PLAYFORD—As promised yesterday, I discussed the matter with the chairman of the trust, but I did not have the name of the person concerned, so the procedure adopted could not be checked. Will the honourable member give me the name of the person concerned?

Mr. Shannon—I have given it to the chairman of the trust.

WEST TERRACE CEMETERY EMPLOYEE.

Mr. LAWN—I have received a communication from the Australian Government Workers Association asking me to make representations to the Minister of Works regarding the following matter. A member of the union was for a considerable number of years employed as a morgue attendant at the West Terrace Cemetery. His duties were to assist undertakers to handle bodies at the morgue, and to handle them on other occasions, to sharpen tools from time to time, and to clean up after the morgue had been used. I understand that for the sharpening of the tools he received an extra 2s. 6d. a week. Some alteration has been made in procedure, with the result that the tools are now sent out to a private firm for sharpening, and each time it costs £6 10s. Now when

an undertaker requires assistance in the handling of bodies, and on other occasions when assistance is required, a telephone call is put through to police headquarters and sometimes one, sometimes two, police officers do the work which the employee previously did. The organization concerned would appreciate it if the Minister of Works would look into the matter to see whether the previous position can be reverted to. Will the Minister of Education take up the matter with his colleague?

The Hon. B. PATTINSON—Yes.

FRUIT FLY IN MURRAY AREAS.

Mr. KING—Has the Minister of Agriculture received a report on the methods adopted to keep fruit fly from Murray areas?

The Hon. G. G. PEARSON—Following on the honourable member's earlier question I referred this matter to the horticultural officers of my department, who have supplied the following information:—

Previously, fruit inspection on the Murray Valley Highway was carried out from Renmark, but since the cutting of the road by the flood it has been handled by the Horticultural Adviser at Loxton. Large conspicuous signs have been placed at all road entries into South Australia. Special care is taken with the attention given to this matter on the Paringa road, and last season a partial road block as well as a regular inspection service was carried out by the District Horticultural Adviser and the Horticultural Inspector, assisted very considerably by the traffic constable from Berri. This will be continued during the coming season, and will be further increased by the appointment of a traffic inspector to be stationed in that district when accommodation is available.

In view of the approaching fruit season it will probably be of interest to the House to know the precautions that are taken by the department to prevent the entry of infested fruit into South Australia. They are:—

(1) Road signs at all points of entry. These road signs are regularly serviced.
(2) Inspectors meet all interstate aircraft.
(3) Printed stickers are attached to airway tickets to all travellers.
(4) Public announcements in trains and all railway stations.
(5) Each morning an inspector boards the train from Melbourne at Mount Lofty and carries out inspection.
(6) All plant material entering by post, air, sea, rail or road is inspected.
(7) All tropical fruit is given 100 per cent inspection.
(8) Numerous posters are on railway stations, and leaflets are distributed by travel agencies, hotels, airways, etc.
(9) The use of publicity films shown in suburban and country theatres; press and radio publicity.

WARREN WATER SYSTEM.

Mr. LAUCKE—Last summer there was a chronic shortage of water in the Warren system in the Greenoch, Seppeltsfield, Templers and Freeling districts and areas south-east of Hamley Bridge. I have been advised that the shortage was due to the inability of the small booster pump near Nuriootpa to keep the Greenoch and Belvidere storage tanks reasonably supplied. With a view to obviating a recurrence of the shortage this summer I ask the Minister representing the Minister of Works whether he will have a booster pump installed at Nuriootpa of sufficient capacity to maintain necessary levels in the storage tanks?

The Hon. B. PATTINSON—I shall be pleased to refer the matter to the Minister of Works and let the honourable member have a reply as soon as possible.

OUTER HARBOUR CHANNEL WIDENING.

Mr. TAPPING—Recently I asked the Premier whether he would ascertain from the Harbors Board if the Outer Harbour was capable of accommodating overseas liners of 40,000 tons. Has he a reply to that question?

The Hon. T. PLAYFORD—I find that the information I gave the honourable member was not correct. A report I have received states:—

There has been no intention at all on the part of the Orient Company for the *Oriana* to visit the Outer Harbour. The company is aiming that this costly vessel will make the maximum number of trips each year between the United Kingdom and Australia, and to achieve this it must be turned round in Australia as quickly as possible, hence it will omit calling at Adelaide. Only in the most favourable conditions of wind and tide, and with four tugs in attendance, might it be possible to berth a vessel of the size of the *Oriana* at the Outer Harbour, and to make the accommodation adequate to handle it in complete safety, it would be necessary to considerably widen the swinging basin. This would be a major and a very costly undertaking. It is understood the *Oriana* will be about 812 feet in length, or about 90 feet longer than the largest mail vessel now calling at Outer Harbour, and about 10,000 tons larger.

CADELL FERRY.

Mr. HAMBOUR—In view of the fact that the approaches to the Cadell ferry, and the bridge, are above water level will the Minister representing the Minister of Roads ascertain how soon the ferry will be in commission?

The Hon. B. PATTINSON—Yes.

BUILDING PRECAUTIONS.

Mr. FLETCHER—On October 30 I asked the Premier a question concerning the policing of the Scaffolding Act and the Factories Act

in the Mount Gambier district. Has he anything further to say now in reply?

The Hon. T. PLAYFORD—I have received the following report from the Attorney-General:—

The Coroner did not make a request that the Act be tightened up, nor did he suggest that the area to which the Act applies should be extended. The only comment made by the coroner was of a general nature, namely, that the accident should be a grim warning to other operators of emery wheels to exercise care.

SWIMMING INSTRUCTORS' FEES.

Mr. RICHES—I have received letters from school committees in my electorate who express concern at the reduction in the fees payable by the Education Department to swimming instructors, which they understand will be reduced from 17s. to 14s. an hour. They think this will have the effect of slowing up the teaching of swimming in the country. This is to be regretted, particularly as last year 16,000 children were taught to swim and nearly 12,000 obtained departmental swimming certificates. Can the Minister of Education give the reasons for the reduction in swimming instructors' fees?

The Hon. B. PATTINSON—Last year I approved of the rate of remuneration for the swimming campaign, both in the school term and during the school vacation. I was later advised that I did not strictly have power to either fix or approve of the rates, and as a result I referred the whole matter to the Teachers Salaries Board, which made the determination to which the honourable member has referred. I am completely confident that next year's swimming campaign will be even more successful than last year's, and that greater numbers of girls and boys will be taught to swim during the school term and in the next vacation.

MOUNT GAMBIER BUILDING STONE.

Mr. CORCORAN—Yesterday, when asking a question about the fall in the demand for Mount Gambier building stone, I read a letter to the House in which it was suggested that the Government foster the sale of this stone in Adelaide and Elizabeth for Housing Trust purposes and reduce the rail freight rate on it. Can the Premier indicate the Government's attitude on these proposals?

The Hon. T. PLAYFORD—The rail freights have already been adjusted at remarkably low rates to enable this stone to come to Adelaide. It has always been carried at a concession rate which does not reimburse the railways the cost involved. I have inquired about the general position of building materials and have ascertained that the slackening in the demand for building stone is not peculiar to Mount Gambier stone. All stone quarries, including those in the Adelaide hills, are receiving few orders for building stone at the moment because cement is more readily available and building bricks made of cement and red bricks are easily obtained. Under those circumstances I cannot promise that any further freight rate reduction will be made. However, I have forwarded to the Housing Trust the honourable member's request that it increase its use of Mount Gambier stone if possible.

SOUTH-EAST RAIL SERVICE.

Mr. FLETCHER—Will the Minister representing the Minister of Railways ascertain what provision will be made to cater for the holiday traffic to the South-East during Christmas season, particularly as I have been reliably informed that only the usual two coaches will be operated and they will by no means cater for the travelling public at that time?

The Hon. B. PATTINSON—I shall be pleased to obtain that information from the Minister of Railways and supply it to the honourable member.

FINDON AND MARION HIGH SCHOOLS.

The SPEAKER laid on the table the report of the Parliamentary Standing Committee on Public Works on the Findon and Marion High Schools (Woodwork and Domestic Arts Centres), together with minutes of evidence.

Ordered that report be printed.

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.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It deals with three subjects. First, it provides a simpler and more effective procedure for enforcing the payment of fines imposed and amounts payable under recognizances forfeited by the Supreme Court in its criminal jurisdiction. Second, it revises the provisions of the principal Act dealing with the detention of habitual criminals, and, in particular, provides for the release of habitual criminals under supervision. Third, it deals with the detention of sexual offenders.

At present the procedure in the Supreme Court for enforcing payment of fines and forfeitures is slow and cumbersome. At the end of each criminal session the Clerk of Arraigns prepares a schedule of fines and forfeitures which he delivers to the Sheriff. The Sheriff thereupon serves a summons on each of the persons liable to pay a fine or forfeiture requiring him to appear before the Full Court at the next sittings of the Full Court for enforcing payment of fines and forfeitures if he has not sooner paid the fine or forfeiture. These sittings are held in March, June, September and November. If the summons is served and the fine or forfeiture is not paid, the Full Court may order the issue of a writ enabling the fine or forfeiture to be levied on the person's property. The writ is returnable at the following sittings of the Full Court and if the fine or forfeiture is by then still not recovered, the Full Court may issue a further writ authorizing the person to be imprisoned for not more than six months.

There are many difficulties in this procedure. The principal difficulties are as follow:—First, it is often difficult to effect service of the initial summons, especially since the summons cannot be served outside the State. Second, since the writs can only be issued by virtue of an order made by the Full Court at one of the sittings mentioned, there is great delay in issuing them. Third, the period of imprisonment under a writ so issued cannot be shortened by part payment, nor does it bear any relation to the amount of the fine or forfeiture. The Supreme Court has in some cases avoided the difficulties involved in the procedure by exercising a common law power to order imprisonment until payment, but the position is nevertheless unsatisfactory. The procedure can and should be simplified, and accordingly the Government has included provisions for the purpose in this Bill.

Briefly, the scheme proposed is that the Sheriff should be made responsible for enforcing the payment of fines and forfeitures, and should be enabled to apply to a judge or the Master of the Supreme Court at any time for the appropriate writs for that purpose. It is also proposed to enable the court to fix a term of imprisonment not exceeding twelve months to be served in default of payment, and to provide for the reduction of the term on part payment. Clause 6 gives effect to these proposals by enacting a number of sections of the principal Act.

New section 300 is of an introductory nature. Section 300a enables the Supreme Court or a judge, at any time after a fine is imposed or a recognizance forfeited, to fix a term of imprisonment, not exceeding twelve months, to be served in default of payment, and to allow payment by instalments and time for payment. The section also enables the Supreme Court or a judge to discharge a recognizance or reduce the amount due under a recognizance. Section 300b provides that if default is made in payment of an instalment, the whole amount remaining unpaid shall immediately fall due. Section 300c provides that where no time to pay is allowed and the fine or forfeiture is not immediately paid, the person in default, if present before the court or judge, may be detained without the issue of a writ for the term fixed by the court or judge, subject to any reduction thereof for part payment.

Section 300d requires the Sheriff to recover all fines and forfeitures imposed by the Supreme Court in its criminal jurisdiction, and deals with several machinery matters. Section 300e enables a judge or the Master to issue a writ at any time on application by the Sheriff and to fix a term of imprisonment if none has been previously fixed. Section 300f enables the commencement of a term of imprisonment fixed under the Bill to be postponed until the expiration of any other term which the person concerned is liable to serve. Section 300g provides for the reduction of a term of imprisonment fixed under the Bill by part payment of the amount due. Section 300h is an evidentiary provision designed to facilitate proof of an order made under the Bill and proof of default in payment. Clauses 7 and 13 make amendments to the principal Act consequential upon the provisions of clause 6. Clause 14 deals with the transition from the present system of enforcement to the new system.

I turn now to the second matter dealt with by the Bill. For some time the provisions of the principal Act dealing with the release of habitual criminals have been found unsatisfactory. The principal Act provides that the Governor may release an habitual criminal if he determines that he is sufficiently reformed, or for other good cause. A person so released is required to report his address and occupation periodically to the Commissioner of Police in person or by letter, and is liable to be returned to prison if he commits certain acts or offences set out in the principal Act. If after two years he has not been returned to prison and is not liable to be returned to prison, he ceases to be an habitual criminal.

The effect of these provisions is in practice that there is no supervision over an habitual criminal after his release, so that an habitual criminal cannot be released unless the Government is certain that he is fit to be at liberty without supervision. It frequently happens that an habitual criminal could safely be released subject to supervision, but is not fit to be released without supervision. In these cases, the Government has no alternative but to keep him in prison.

The Government thinks that it is in the interests of prison administration that habitual criminals should be released where it is just and reasonable to do so. Clause 10 accordingly provides that the Governor may release an habitual criminal on licence subject to such conditions as he thinks fit, and that an habitual criminal so released may be recalled to prison at any time. If, after three years, he has not been recalled, he will cease to be an habitual criminal unless the Governor orders to the contrary. The system of release provided for in clause 10 is somewhat similar to that provided two years ago in the Prisons Act Amendment Act, 1954, for persons imprisoned for life.

Clauses 8, 9, 11 and 12 make a number of minor improvements to the provisions of the principal Act dealing with habitual criminals. The only clause which calls for comment is clause 9. This clause repeals a provision of the principal Act providing that an habitual criminal shall be offered facilities for selling or otherwise disposing of the products of his labour in prison. For a period an attempt was made to give effect to this provision, but it was found impracticable to do so. For many years now habitual criminals have been working on the same jobs as other prisoners, and have been credited with earnings in the same way as other prisoners.

The third subject dealt with by the Bill is, as I have mentioned, the detention of sexual offenders. Section 77a of the principal Act provides that a court or judge may on the report of two medical practitioners order a person found guilty of an offence of a sexual nature to be detained in an institution. Until recently it was generally thought that this section referred to courts of summary jurisdiction as well as to the Supreme Court, and the section was employed by courts of summary jurisdiction. However, it has been held in an appeal under the Justices Act that the section does not apply to courts of summary jurisdiction.

The Government is of opinion that the provisions of the section should be available to a court of summary jurisdiction constituted by a special magistrate. The Government feels that the powers contained in the section can safely be entrusted to magistrates, especially since they have been satisfactorily exercised by magistrates in the past. In the same case, doubts were expressed about the meaning of the expression "offence of a sexual nature." The Government proposes to remove these doubts by making the section available where any of a number of specified sexual offences is committed and on the commission of any other offence where the evidence indicates that the offender may be incapable of exercising proper control over his sexual instincts.

The opportunity has been taken at the same time to make section 77 of the principal Act available where a magistrate finds a person guilty of a sexual offence. This section enables a court or judge on the report of two medical practitioners to order a sexual offender suffering from venereal disease to be detained until he is cured. The section at present does not apply where the offence is punishable summarily. This section is seldom employed, but it is desirable that it should be amended to bring it into line with section 77a. The expression "offence of a sexual nature" also occurs in section 77, and the section is amended to make it clear when the section is available. These matters are dealt with in clauses 3, 4 and 5.

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

MARKETS CLAUSES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 6. Page 1412.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill amends an Act of very ancient

vintage, most of the clauses of which have apparently not been touched since it was originally drafted in 1870. Although I do not object to the provisions of the Bill I think it would have been far better had the Government considered the whole of the Act in view of the change in circumstances since the time of its enactment. Clause 4 provides:—

Section 14 of the principal Act is repealed and the following section is enacted and substituted therefor:—

14. After the market place has been opened the undertakers may hold markets therein on any day not being a Sunday or Christmas Day.

I suggest that Good Friday might well be included as a day on which markets shall not be opened, and if the Government is prepared to accept that suggestion I will move accordingly in Committee.

Mr. Jennings—What have undertakers got to sell?

Mr. O'HALLORAN—The undertaker mentioned in the Act is not the man who is regarded generally as a mortician. He manages the markets. The term "undertaker" is still used and that is another reason why the legislation should be brought up-to-date. The undertakers are to be given additional powers. I do not object to that, although at present they have extensive power, even power to acquire land required for market purposes.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Market days."

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

After "Sunday" in new section 14 to insert "Good Friday."

All Christians recognize Good Friday as the day on which the Saviour of mankind was crucified, and regard it as a holy day of great importance. A market should not be held that day.

The Hon. T. PLAYFORD (Premier and Treasurer)—There is no reason why a market should be held on Good Friday and the Government accepts the amendment.

Amendment carried.

Mr. RICHES—This Bill was introduced without much warning, yet we are expected expeditiously to deal with it, because of the early end of the session. Not long ago people who rent market stalls were concerned about proposed action by the undertakers on rents. I wonder whether these stall holders were consulted in any way about the Bill, the provisions of which seem to override previous provisions. I assume the Premier has satisfied himself on the matter, but does the Bill remove all previous restrictions on conditions, etc.? I would like an assurance that the implementation of the measure will not result in rent increases.

The Hon. T. PLAYFORD—The suggestion by the Leader of the Opposition for an overhaul of the legislation contains much merit. This Bill is necessary to rectify a considerable number of anomalies, but there are one or two other matters that will need future consideration. The terms used in the old Act are no longer used, and there were no definitions in that Act. The terms now used make extremely doubtful the position in relation to the charges that can be imposed for accommodation provided. The market authorities have not been grasping in fixing their charges; indeed, I understand they could have been charging about eight times what they have been. The difficulty has been that there are shops which front Rundle Street, but whether they are part of the market is not clear. They conduct businesses entirely different from anything conducted in the market, and one legal authority may consider them to be subject to the charges laid down in the original Act, but another may hold they are not subject to those charges.

Clause as amended passed.

Clause 5 and title passed. Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 6. Page 1412).

Mr. O'HALLORAN (Leader of the Opposition)—This Bill contains a number of minor amendments which experience has shown to be desirable. Generally speaking, there is little, if any, ground for opposing these amendments. One or two of them will bring South Australian practice more into line with the practice of other States, though it would be much more satisfactory if complete uniformity could be achieved. The duration of temporary permits is to be extended from 10 to 14 days, and I see no objection to this. These permits may be granted by country police officers on the presentation of satisfactory evidence that an application for the registration of a vehicle has been forwarded to the Registrar with the appropriate fee. The owner is then able to use the vehicle pending the receipt of the certificate of registration. I had something to do with the insertion of this provision some years ago when I pointed out the difficulty that occurred in outlying areas where communications were intermittent, and I said that some

such provision should be made for the granting of temporary permits.

Proposed new section 7e will enable permits to be granted for journeys by unregistered vehicles not normally used on roads. Apparently this is to cover special cases not already provided for in section 7a, which was inserted a year or two ago to enable a primary producer to drive this tractor from one point to another without registration. The new section states, *inter alia*:—

Every such permit shall be subject to such terms, conditions and restrictions as the registrar inserts therein.

I am concerned whether the registrar can insist on the vehicle being insured. I believe these vehicles, particularly heavy earth-moving equipment, should be insured before they are allowed on a public road. After all, there is some danger to the public associated with their movement, and any person who meets with an accident as a result of these vehicles being on a public road should be protected by an insurance policy. I hope the Premier will clarify the position before the Bill passes the Committee stage. I think the member for Burra (Mr. Quirke) will remember that a large power grader was parked opposite the Rhynie Hotel some years ago. When the driver was not in the vehicle it moved off and knocked down much of the front wall of the hotel.

I have no objection to the provision relating to the use of limited traders' plates by hauliers who are moving machinery at the request of a manufacturer from points of manufacture to rail or ship delivery points. The clause concerning lights is intended to bring about a standardization of the laws in the various States. That relating to reflecting mirrors is designed to overcome a difficulty which in some instances is almost an impossibility. It is a practical attempt to meet the situation.

An important provision increases the speed at which motor cycles with pillion passengers may be ridden outside the metropolitan area. At present the speed limit is 25 miles an hour. This can represent an obstacle to other traffic moving at a considerably faster rate. Under those circumstances I think a limit of 35 miles an hour is reasonable, although I admit that there is considerable danger associated with pillion riding on motor cycles. In a collision those on a motor cycle have not the protection that persons in a motor car have. The braking power of a motor cycle is not as effective and with the additional weight of a pillion passenger it is rendered still less effective.

It is proposed to increase penalties in one or two instances from £20 to £50. This is another evidence of the inflationary tendency of the times and one cannot very well object. I think it is a good provision that the Tramways Trust should have the same power to erect stop signs as does the Commissioner of Railways. The Minister said that trams had to have the right-of-way at crossings. I cannot imagine any person disputing the right-of-way with a tram, whether it is provided for legally or not. The Bill will make it an offence for a motorist to proceed over a crossing when a tram is in the vicinity. I agree with the proposal to restrict the speed at approaches to ferries to six miles an hour for the last 20 yards. My only possible criticism is that the distance is perhaps not sufficient. It is proposed to permit vehicles in the seven to 11 ton class to travel at 25 miles an hour instead of 20. I do not think that will make much difference because my experience has been that very few, if any, of the drivers of these vehicles have any cognisance of the present limit and I doubt whether they will be aware of the proposed limit. I frequently find it difficult to pass these vehicles when travelling at 40 miles an hour.

From an examination of the principal Act I have ascertained that the Governor has power to make regulations limiting the laden weight of vehicles on particular types of roads. I suggest that the Government considers using these regulations, particularly to protect some of the light traffic roads in the north. The Broken Hill highway, for example, is being pounded to pieces by interstate hauliers and unless they are restricted great damage will result to the road and the travelling public will be faced with danger because of the dust nuisance that will arise in the summer. I support the second reading.

Mr. COUMBE (Torrens)—I entirely support the Bill, which provides for a number of minor amendments to the Act. The provision relating to extra lights on semi-trailers is wise. Most members have experienced driving at night when semi-trailers have approached. If the lights on that vehicle are dim and there are inadequate side reflectors, the motorist is in danger of being hit by the vehicle or being pushed to the side of the road. In the darkness one is unable to judge the actual width of such a vehicle. The Bill provides that additional sidelights must be used. That is to be commended. Another wise provision increases

the speed of motor cycles with pillion passengers. I was recently informed of a case where a motor cyclist with a pillion passenger was apprehended for travelling at more than 25 miles an hour on the Main North Road just outside the metropolitan area. He was brought before the court and fined. A few weeks later he was travelling on the South Road outside the metropolitan area at 25 miles an hour. A police constable asked him to increase his speed because overtaking traffic was forced to veer to the centre of the road to pass him, and the traffic was disorganized. Although the motor cyclist was observing the law he was causing a traffic obstruction. I think the police officer revealed common sense in instructing the man to increase his speed although he was advocating breaking the law. This provision overcomes that problem to some extent because the speed limit will be increased to 35 miles an hour. That speed is quite fast enough for a motor cycle with a pillion passenger. Almost daily we read of accidents that have resulted from excessive speed with pillion riders. A motor cyclist has far less control over his machine when he has a pillion passenger.

The clause concerning the provision of stop signs at tramway crossings only relates to where a road actually crosses tramway land. It would apply, for example, on the Glenelg tram route. One is reminded of a fatality that occurred at the Morphettville crossing a few months ago. That is no doubt in some way responsible for the introduction of this proposal. There are many railway crossings in the metropolitan area and the country where signs have been erected requiring motorists to stop irrespective of whether wig-wags or flashing lights are operating. There is a stop sign at the Bowden crossing on the Port line and every motorist must stop before he crosses. Under this clause the trust will be permitted to erect stop signs at any of the intersections on the Glenelg tramline. Some members may regard this provision as restrictive, but the erection of such signs will compel motorists to stop and even if they are inconvenienced that is better than having even one person killed. There are many unthinking motorists who, if not familiar with that area, may drive straight across the tramline and endanger themselves. If stop signs are provided it will obviate the danger and if a motorist does not stop he will be liable to a penalty.

Mr. HUTCHENS (Hindmarsh)—I support the Bill and agree with Mr. Coumbe concerning the provision of stop signs at tram crossings. I have contended in the past that far too many stop signs are provided on our main highways, but I favour such signs at railway and tramway crossings. It is difficult for a tram or train to pull up at short notice, and as they must maintain a time table motorists should be compelled to give way to them. Mr. Coumbe referred to the stop sign at he Bowden crossing. I agree that that sign is essential. It does not inconvenience any motorist and it ensures the safety of the motoring public.

Clause 4 amends the principal Act by extending to 14 days the period for which permits may be issued to drive vehicles pending registration. Country members particularly appreciate the provision, and I am sure they will all support my suggestion that the Government establish branches of the Motor Vehicles Department in country districts so that owners of motor vehicles in those districts may finalize registration of their vehicles without delay. After all, country people are playing a major role in the progress of this State and should have such services made available to them.

I regret that the section granting concessions in fees payable by primary producers has not been amended. Today a primary producer is granted a concession in respect of the fee payable on a vehicle used mainly for primary production, and I agree that that is desirable; but there are other sections in the community which are doing a remarkable work for the spiritual well-being of the State, but which do not receive similar concessions. I refer to churches and church organizations. Today a minister of religion must have a motor car to carry out his functions effectively, for he is often called upon to cover huge areas. Furthermore, churches depend entirely on the voluntary contributions of members, and the Government should consider the possibility of granting to religious organizations concessions similar to those granted to primary producers.

More attention should be paid to the erection of effective road signs so that the number of accidents might be minimized. For some time the Adelaide *News* has drawn attention to the dangerous corner in my electorate at the intersection of Torrens Road, Government Road and Shillabeer Avenue—sometimes known as "Tragedy Lane," at other times as "Suicide Corner." I express appreciation to the National Safety Council and the Police Department for their interest in this matter, for they have done as much work as possible within the limitation of the law and the funds available. More should be done to make such corners safer by placing at a reasonable distance

from them signs compelling motorists to slow down. Perhaps lining the roads would help. There are other corners in the metropolitan area that are just as dangerous, and it is unreasonable to expect councils to meet the cost of traffic lights at the intersection of such main roads. The Government should accept its responsibility in this matter, for after all it is responsible for the upkeep of main roads and should be responsible for the installation of lights on those corners because those roads are used not only by local residents but also by citizens from other districts.

Mr. FLETCHER (Mount Gambier)—I support the Bill. The Leader of the Opposition (Mr. O'Halloran) said he played a prominent part in inducing the Government to introduce the legislation enabling permits to drive vehicles to be issued pending registration, but although I do not want to take away from him any kudos, I believe I was at least one of the first to ask the Government to introduce that legislation. The views of officers of the Motor Vehicles Department have apparently changed over the years, because on that occasion my suggestion had a very cool reception in the department. Indeed, the Registrar at that time would not listen to it, nor would the Royal Automobile Association, but a year or two later they both saw the light and the necessary provision was incorporated in the Act.

It has been of wonderful assistance to the owners of motor vehicles throughout the State and has been a godsend to the man who otherwise would have been without the use of the vehicle from which he made his living. I have received many telegrams and letters asking me to interview officers of the Motor Vehicles Department on behalf of my constituents, but I do not think that in even one case that has been brought to my notice the fault has been sheeted home to the department. Indeed, one of the biggest offenders I have found has been the insurance companies, some of which have been dilatory in attending to urgent business.

I support clause 4, which extends to 14 days the period for permits to drive vehicles pending registration. This proves that the department realizes that there are parts of the State for which the extension is necessary. For example, an application for registration may be posted in Mount Gambier over the week-end, and two or three days must pass before it is dealt with in the department's office in Adelaide. Further, it may go through an insurance office where the service is lax, and the full 14 days will be necessary in that case. New section 7e (1) provides:—

The registrar may in his discretion upon payment of a fee of five shillings grant to any person a permit permitting any vehicle specified in the permit and being a vehicle which is ordinarily used on land other than roads to be driven along a road on one or more journeys between such places and at such times as are specified in the permit.

I would like that provision clarified. Anyone wishing to move on a public road a vehicle ordinarily used only on a farm should be able to get a permit from the local police officer, although I agree with Mr. O'Halloran that such a vehicle should be covered for the journey by an insurance policy because when moved over the road it creates a risk. The remaining provisions of the Bill are necessary and bring the legislation into line with that existing in other States. The Road Traffic Act has been amended many times over the years and today is doing fine service. Some alterations to the legislation may be necessary, but councils should thank Parliament for the right they have to limit loads on certain roads and to prohibit the use of some roads during parts of the year.

Mr. TAPPING (Semaphore)—I support the Bill. Clause 9 deals with the speed of vehicles with pillion passengers. Under paragraph (a) of subsection (1) of section 43a a motor cycle with a pillion passenger may travel at not more than 25 miles an hour inside a municipality, or at not more than 35 miles outside a municipality. We know that now many motor cyclists with pillion passengers travel at 30 to 35 miles an hour inside a municipality where the speed limit is 25 miles. If we increase the speed to 35 miles there is no doubt that the motor cyclists will travel at 45 miles an hour, at which speed there is less chance of retaining proper balance. The speed limit outside municipalities should not be more than 30 miles an hour. We are alarmed now at the great increase in the number of road accidents and if the speed is increased as proposed there will be more accidents.

Bill read a second time.

Mr. GEOFFREY CLARKE moved—

That it be an instruction to the Committee of the Whole House that it has power to consider a new clause relating to driving signals.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Permits for journeys by unregistered vehicles not normally used on roads.

Mr. O'HALLORAN (Leader of the Opposition)—Does subsection (3) of new section 7e give the registrar power to insist on an insurance policy being taken out or the provision of other safety precautions?

The Hon. T. PLAYFORD (Premier and Treasurer)—Under the provision it will be possible for the registrar to say that there need not be effective insurance and that in lieu thereof a police escort must be provided to ensure safety on the road. The clause gives the registrar wide powers. A somewhat similar provision relating to the use of wide vehicles is operating without difficulty. There is adequate power for the registrar to insist on insurance or some other form of protection.

Clause passed.

Clause 6—''Traders' plates.''

The Hon. T. PLAYFORD—I move—

After ''servant'' to insert ''of the manufacturer''; after ''independent'' to insert ''as an''; and after ''contractor'' to insert ''or as a servant of an independent contractor.''

This clause deals with the use of limited traders' plates to haul agricultural machines in the course of the business of the manufacturer. It provides that people employed either as servants or independent contractors could drive vehicles hauling agricultural machines carrying limited traders' plates. It is not altogether clear that the word ''servant'' includes both a servant of the manufacturer as well as a servant of any carrying contractor who might be engaged to haul the agricultural machines. It is intended that both classes of servants should be covered. In order to clarify the position I think it is desirable to extend the language of the clause so as to state expressly that it applies both to servants of the manufacturer and servants of an independent contractor.

Amendments carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—''Speed of vehicles with pillion passengers.''

Mr. TAPPING—We are going too far in increasing the speed limit to 35 miles an hour for motor cycles with pillion passengers outside a municipality. I think it should not be more than 30 miles.

The Hon. T. PLAYFORD—The amendment has been designed to achieve the opposite to what the honourable member has mentioned. The slow speed of a motor vehicle in outside areas has been a danger rather than a safety factor. For instance, a large volume of traffic may be returning from Victor Harbour. On congested roads most vehicles travel at about 35 miles an hour, so they would be continually passing a motor cycle with a pillion passenger travelling at 25 miles an hour. It is dangerous to have a variety of speeds in a stream of traffic, and I have been informed that the police frequently recommend motor cyclists with pillion passengers to go faster when they see them in heavy traffic.

Mr. GEOFFREY CLARKE—I support the Premier's remarks, and would have been pleased to see a general increase in the speed limit for motor cyclists with pillion passengers both within and without the restricted area. I point out that it is difficult to manoeuvre a modern powerful motor cycle at 25 miles an hour if a pillion passenger is carried. When pillion riding was prohibited in one State the number of fatalities amongst motor cyclists increased, and it has been found that carrying a pillion passenger generally conduces towards greater care by the driver because he is concerned with the safety of his passenger as well as his own safety. Pillion riders are often young women, who act as a restraining influence on motor cyclists. I agree with the Premier that it is not desirable to have differing speeds in a stream of traffic.

Mr. TAPPING—I think Mr. Geoffrey Clarke's remarks assist my argument. He said there should be a uniform speed limit of 35 miles an hour for motor cyclists with pillion riders, but under the Bill it will still be 25 miles an hour in the city areas. I think the Premier's remarks were not consistent with fact.

Mr. FRED WALSH—I support the clause because, in the interests of safety, motor cyclists should keep in line with other traffic on congested narrow roads. However, I disagree with Mr. Geoffrey Clarke's remarks about increasing the general speed limit for motor cyclists with pillion riders, because the additional passenger increases the difficulty of handling a highpowered machine. Often the pillion passenger is just as keen to enjoy the pleasures of speeding as the driver, so we should retain the 25 miles an hour in the metropolitan area.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—''Stop signs at crossings.''

The Hon. T. PLAYFORD—I move—

In paragraph (d) after ''tramline'' to insert ''which both sides of such road is.''

This clause empowers the Tramways Trust to put stop signs at level tramway crossings. The language used in the clause is open to a possible interpretation that where a tram line runs from tramway land on to a road and then proceeds along the road (for example, at the

place where the Kensington Gardens tram runs from the East Parklands into East Terrace and then along Grenfell Street) a level crossing is created. This was not the intention. The intention was that a level crossing where stop signs could be erected would only exist at a place such as the Morphettville crossing where the tram line is laid on tramway land on either side of the road.

Amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15—"Speed limit of heavy vehicles."

Mr. LAUCKE—This clause, and others, reflect credit on the State Traffic Committee, which has a refreshing alertness and practicability in its approach to traffic problems, but a vehicle and trailer exceeding 11 tons in weight cannot operate at full efficiency in top gear at 20 miles an hour.

Clause passed.

New clause 13a.—"Driving signals."

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

13a. Section 134 of the principal Act is amended—

(*a*) by adding at the end of subsections (1) and (2) in each case the words "or by some other permitted method"; and

(*b*) by adding after subsection (4) thereof the following subsection:—

(4a) Regulations made under section 61 of this Act may prescribe permitted methods (whether by the use of mechanical or electrical devices or lights or otherwise) of indicating the intention of a driver or rider of a motor vehicle to turn to the right, slow down, or stop, and any matters relating to the construction, design and standards of any devices lights or other apparatus used for the purpose of such indication.

Section 134 relates to signals for turning and stopping, and signals given by mechanical or electrical devices are regarded as sufficient compliance with that provision. For instance, most trucks and buses have a mechanical hand, and many motor cars have electrical devices known as trafficators. The purpose of the new clause is to give the registrar authority to approve a signalling device other than a mechanical hand or trafficator. This device has been adopted by many countries, and it is usually known as the winking or blinking light.

The new clause has the unanimous support of the State Traffic Committee, several members of which have recently returned from trips abroad. They have given the committee the benefit of their experience in the use of this device in the United Kingdom, the United States and Europe. I express my appreciation of the varied experience and valuable services of the members of the State Traffic Committee, who work without fee in the interests of good motoring. The new clause will not involve motorists in any expense. It is not suggested that the adoption of these devices will be obligatory. The State Traffic Committee has been pressed by various interests for a long time to recommend this device, but it has resisted such pressure until completely satisfied that the winking light was going to be universally adopted and that there would be a code of practice which could be laid down to justify approving such lights. The committee recently received a detailed report on investigations conducted by the Department of Scientific and Industrial Research Road Research Laboratory in England into this matter. It has been carefully studied and the committee agrees that this device should be recommended. In South Australia we have the lowest rate of deaths from motor vehicles in the world with the exception of New Zealand. We have about seven deaths for every 10,000 vehicles registered and New Zealand about six. The Traffic Committee has not been hasty in making this recommendation.

Section 134 of the Act permits electrical or mechanical devices to be used as an alternative to hand signals. The winking light is a device on the tail-end of a motor car which indicates the direction a motor vehicle is about to turn. Some of the devices on year-old motor cars do not comply with the standard regarded as desirable in the interests of safety. I point out that if this new clause is accepted it will not automatically give legal sanction for the use of all winking lights now in use. It will enable the Registrar of Motor Vehicles to authorize the use of a particular device. Until recently there was no standard practice in the manufacture of these devices and they were frequently incorporated in the tail lamp assembly of a vehicle. The devices on the new vehicles now comply with a standard laid down by the Society of Motor Car Manufacturers in England and are amber coloured in a separate rear lamp assembly. On the dashboard of each vehicle there is both a visible and audible signal that the instrument is working. For the reasons I have outlined I suggest that this clause be accepted.

New clause inserted.

Title passed. Bill read a third time and passed.

MARGARINE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1191.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill contains two proposals: firstly, to increase the quota of margarine that may be manufactured in South Australia and, secondly, to impose a rationing system on the distribution of the margarine so manufactured. I propose to deal with these separately because they are both of sufficient importance to merit separate consideration. It is suggested that the quota be increased by 60 tons. The total permitted to be manufactured in South Australia will thus be 528 tons annually. The Minister pointed out that when the last amendment was made in 1954 the principle of a quota based on population had been accepted and that by applying that principle to the increase in population since then an increase of 60 tons was justified. He carefully concealed that the quota in this State has always been too low and that consideration of an increase based on an increased population has no relative value and is of no merit. Let us examine the position regarding the production of margarine in Australia. It is as follows:—

State.	1954 quota.		1956 quota.	
	Quantity. (Tons.)	Per head. (lbs.)	Quantity. (Tons.)	Per head. (lbs.)
New South Wales	2,500	1.62	9,000	5.72
Victoria	1,196	1.12	1,196	1.05
Queensland	4,236	7.51	4,236	7.03
South Australia	468	1.38	468	1.26
Western Australia	800	2.92	800	2.67
Tasmania	208	1.51	208	1.42
All States	9,408	2.39	15,908	3.85

The Hon. G. G. Pearson—I doubt whether those figures are correct.

Mr. O'HALLORAN—They are the quotas that have been approved for manufacture in the various States. A conference of Agricultural Ministers agreed that the total Australian quota should be 11,000 tons.

The Hon. G. G. Pearson—It was suggested, but it was never agreed upon.

Mr. O'HALLORAN—I accept that assurance, although contrary statements were made in this House by those who urged us to resist increasing South Australia's quota. The present total Australian quota is almost 16,000 tons and the average for the States is 3.85 lb. per head of population, but the South Australian average is only 1.26 lb. We are therefore not manufacturing in South Australia even half the quota permitted to be manufactured in relation to the whole population of Australia. We have been told that the quota cannot be increased because of the influence of such an increase on the future prosperity of the dairying industry, but I draw members' attention to the position in New South Wales and Queensland, which on a *pro rata* basis are more important dairying States than South Australia, but have much larger quotas, yet there is apparently no hue and cry from the dairying industry in those States to have the quotas reduced. There is no demand in Victoria for an increase in the quota, because New South Wales consumers do not consume the whole of the 9,000 tons produced there, which leaves a surplus to be shipped across the border to Victoria. But for that fact there would probably be a demand for an increased quota for Victoria. Indeed, not only does the surplus from New South Wales find its way to Victoria in considerable quantities; it finds its way to South Australia. It is coming through Broken Hill to my electorate in the north of the State, and I understand it also comes into the South-East. For those reasons, whatever we do here to restrict the local manufacture of margarine we are unable to protect the dairying industry, if it is intended to protect it and if the protection is needed. This position arises because of the implications of section 92 of the Commonwealth Constitution. A more realistic view of this quota should be taken by the Government and it should be increased to at least 628 tons, the figure mentioned by Mr. Condon when he introduced a Bill two years ago in the Legislative Council. I expect, however, that that plea will fall on deaf ears.

Mr. Hambour—Hear, hear.

Mr. O'HALLORAN—I would not expect any response from the member for Light in any event, because the import of my remarks has probably not reached him yet. The other aspect of the Bill is of great importance. In fact, it is an extraordinary provision to come from a Liberal and Country League Government which professes to disagree with controls,

believes in private enterprise, and says that business should be carried on unfettered and unhampered. Of course, it makes some reservations when it suits it, but it professes to agree with the broad principle that business shall be untrammelled. When it suits its case, however, it is prepared to climb down on the amount of margarine permitted to be manufactured, although it proposes to implement something about which it shrieked to high heaven a few years ago.

During the war when it became necessary for the Commonwealth Government to introduce a system of rationing to ensure that the community got a fair deal, members opposite could hardly wait until the emergency had passed before trying to tear that Commonwealth Government from its throne. I well remember the propaganda preceding the 1948 prices referendum. I also remember the specious promises made prior to the 1949 Federal election, when we were told, "Return the Menzies-Fadden Government and all controls will cease." Yet in South Australia today we are called on to debate a Bill that imposes a vicious form of rationing on the sale of margarine in this State.

Of course, the Government will not accept the responsibility for policing the legislation: that responsibility is to be borne by the manufacturers and traders, for the Government knows full well the consequences of the legislation and intends to slip from under it. The Government will tell the people that it is not to blame, but clause 4, which relates to the monthly quota, can have only one effect: to produce a famine in margarine every month. This will lead to stampede buying and a maldistribution of the quantity available. To support my argument I will quote from a letter forwarded to the Minister by the Retail Storekeepers Association of South Australia. Surely if anyone knows what is implied in the rationing of this commodity, this association, whose business it is to sell this product, knows.

Mr. Lawn—There is nothing to stop margarine from coming in from New South Wales.

Mr. O'HALLORAN—No, and it will continue to come in. Indeed, after this Bill with its monthly quotas has been passed it will probably be imported in increasing quantities. The letter states:—

The executive of this association feels that the proposed law under which margarine manufacturers will ration supplies on a monthly basis will cause tremendous hardship upon those manufacturers, retail storekeepers, and particularly the purchasing public. Reasons why we feel the monthly quota system will lead to unequal distribution are:—

(1) It is difficult for any company to equally distribute on a monthly basis to all storekeepers; hence customers suffer in the long run.
(2) There is a danger of bigger stores receiving larger supplies than quota and many smaller stores being cut out—thus many suburban customers will not receive supplies.
(3) There is a possibility of some margarine wholesalers forcing retailers to buy other goods in order to obtain margarine quotas.
(4) Members of the public with plenty of money can buy up enough margarine until next month, the low wage earner and pensioner cannot do so.
(5) Some suburbs will have table margarine at times and others will be without.
(6) Under quota system seasonal sales are completely overlooked.

May we respectfully suggest that sympathetic consideration be given to the deletion of this clause.

Yours faithfully,
The Retail Storekeepers Association of S.A. Inc.
(Sgnd.) A. H. Jenkinson,
Assistant Sec.

The letter states that it is difficult for any company to equally distribute on a monthly basis to all storekeepers and that customers will suffer in the long run. That should be obvious to everybody, for there are about 1,600 storekeepers in the metropolitan area and many more in the country. How on earth will the small monthly quota be equitably distributed amongst such a large number of customers? Delivery vans would have to be fitted with two-way radio sets in constant contact with the manufacturing side to ensure that the quota for one area was not distributed somewhere else to the detriment of that area. The letter states that the bigger stores may be cut out. It is surely obvious that the bigger stores will have an advantage at the expense of the smaller. The letter states that some margarine wholesalers may force retailers to buy other goods in order to obtain margarine quotas. That, too, is obvious, for it is a long-standing practice when one commodity is in short supply for the trader who has it to use it as a lever to sell other goods.

Mr. Shannon—What will the manufacturer of margarine have to offer as a lever? After all, it is the manufacturer who is affected by this Bill.

Mr. O'HALLORAN—I remind the honourable member that the manufacturer does not hawk his margarine from door to door and sell it retail. The letter goes on to say that

members of the public with plenty of money can buy up enough margarine until next month, but the low wage earner and pensioner cannot do so. That is an obvious point which should weigh with most members. The association points out that some suburbs may have table margarine at times when others will be without. Finally, we are told that under a quota system seasonal sales will be completely overlooked. I understand that by seasonal sales is meant the greater demand for margarine in the cooler winter months than in the warmer summer months. What happens now? I understand that the present quota is exhausted in about eight months, which means that manufacturers close down about August each year. The bulk of the shut-down period is in the hotter months when the demand is not so great.

The proposed increase of 60 tons will permit manufacturers to obtain supplies for another month, and instead of there being a close-down for four months there will be one of only three months. If the Government will not increase the quota to enable reasonable demands to be met, it should permit the old basis of manufacture and distribution, which has been carried on ever since the quota system was established, to continue. People would then know that at times no trader would have margarine and there would not be the position of a customer leaving one shop, where the shopkeeper had not received his quota, to go to another shop where the quota had been received. The proposal in the Bill will involve the trading community in tremendous and unnecessary difficulty and for that reason I will move in Committee for the complete deletion of the rationing provision.

Mr. SHANNON (Onkaparinga)—I want to reply to Mr. O'Halloran's major objection to the Bill, the monthly quota. He referred to the small quantity of margarine that would be available for distribution on a monthly basis and said it would be so small as to create difficulty in dividing it up amongst the customers. Perhaps he was trying to convince himself rather than the House that he had a case. He did not seem to have the same logical approach to the problem that he usually has. The present quota of 468 tons is to be increased to 528 tons. If that quantity is divided by the number of people in South Australia we get the quota per person for the 12 months. Is there any difficulty in providing the quota in even monthly amounts or giving the opportunity to buy it in one month?

Mr. O'Halloran said the Bill will impose on the wholesaler and the retailer a difficult form of monthly rationing, but has there been any complaint when the annual quota has been sold over eight months and no margarine has been available in the last four months? If there is any complaint that margarine cannot be obtained in some months we should hear about it. The proposal to even out the monthly quantity should meet the complaints, if there are any. Regarding the reference to the small amount to be divided amongst storekeepers who handle margarine, if we take the figure at 528 tons and divide it over 12 months we get an average of 44 tons, or 98,560 lb. Is that not a large quantity to split up? It gives some scope to the manufacturer to provide a reasonable quantity for his various wholesale customers. How the quantity will be split up I do not know. What does the wholesaler do in the months when there is no margarine?

As to a scarce commodity being used as a lever to force the retailer to get goods he does not want, I have grave doubts whether any retailer would be so interested in the sale of margarine that he would act to the detriment of his overall business. I want to refer to the policy pursued in all States in the distribution of margarine. I assumed that the Minister's figure of 11,000 tons as the production for all Australia was the upper limit for table margarine, but the Leader of the Opposition has given a figure of 16,000 tons. The margarine manufacturer is a direct competitor of the dairy farmer. It is the most insidious form of competition the dairy industry has to face. It is insidious because the manufacturers of table margarine are shrewd enough to realize that they can get it consumed in such a way that the consumers do not care whether it is margarine or butter they are eating. Only one man in South Australia gets a licence to manufacture margarine.

Mr. O'Halloran—That is wrong. There are two manufacturers and separate organizations.

Mr. SHANNON—If the honourable member told me there are three members in the family I would agree, and it is a family affair. It is the business of the manufacturer whether or not he manufactures 460 tons, or 528 tons, and sells it in six or nine months instead of 12 months. To overcome any difficulty I would suggest a simple amendment to the Bill. I would suggest that the increased quota be given to a competitor in the manufacture of margarine, for then we would have competition in the manufacture and sale of the commodity, but I am sure that if such an amendment were accepted there would be a request for the Government to withdraw the measure.

Mr. O'Halloran—What increase do you suggest?

Mr. SHANNON—I do not suggest any, but if there is to be one the increased quantity should be given to a competitor of the present manufacturer. It is unfair for a person who receives a marked favour from the Government to manufacture all the quota in less than 12 months so that during the balance of the year he can use a stick on the Government and say he has insufficient margarine to satisfy his clients. If they are fair tactics, they are in keeping with the tactics adopted by manufacturers of margarine on a world-wide basis. They are all ready to use a stick in order to beat the opposition that comes from butter production. They go to this extent. We often see on the shelves of a store pound pats of margarine side by side. Both pats come from the same mix, yet one is sold as table margarine and the other has printed on the package in very small letters the words "Cooking margarine."

Mr. Hambour—Sold at a different price?

Mr. SHANNON—I am not sure. It may be a penny or 2d. a lb. less, but it is the same product. I have had the opportunity to discuss this matter with some of my constituents who are dairy farmers, and they would be happy to give an open go to the margarine manufacturer provided butter interests were not affected by margarine being sold as butter. That is a reasonable qualification. Is it against the interests of the consumer to know what he is eating?

Mr. Jennings—Do you seriously suggest that anybody buys margarine for butter?

Mr. SHANNON—Obviously, a person does not go into a shop and ask for a pound of margarine and expect to get a pound of butter.

Mr. Jennings—That is what you are suggesting.

Mr. SHANNON—I am not. The big buyers of margarine are the boardinghouse keepers, hotels, and eating houses. They buy it because they save about 2s. a lb. They put it on the table and their customers think they are eating butter, but I want to see that the person who pays for his board or his meal knows what he is eating. He is entitled to know that. We should not permit a state of affairs under which one commodity can masquerade as a commodity of higher quality, but we are permitting that today. I originally calculated that if margarine displaced the consumption of butter in Australia by 11,000 tons it would affect the consumption of butter by £1,600,000. The figure quoted by the Leader of the Opposition was about 15,900 tons. I do not know whether that figure is correct, but if so the dairy industry would be displaced from its home markets to the extent of £2,300,000.

Mr. O'Halloran—If all consumers could afford butter.

Mr. SHANNON—The question is whether or not we would make or break a man on the basic wage or on a pension if he had to buy butter instead of margarine. I shall approach this question from two angles. Firstly, let us consider an Australia-wide basis. Here again I shall have to correct my figures slightly, but I will stick to round figures, and they show that the wage-earner saves little by using margarine instead of butter. On the assumption that the manufacture and sale of table margarine is 11,000 tons a year, a family of four saves only 5d. a week, or a little over 1d. a person. Would the wage-earner know he had lost 5d., which is about the cost of a morning newspaper?

Mr. O'Halloran—That was assuming everybody ate margarine when he could get it.

Mr. SHANNON—No, I am assuming that the 11,000 tons of margarine manufactured and sold was divided into the whole population of Australia. Now let us cut out all of those people who do not eat table margarine, and I think it is a liberal approach that half the people are not able to afford butter all the year round. On that basis we find the family would save 10d. a week by using margarine. If those figures are worth making a noise about it seems that the arguments put forward on behalf of the poor unfortunates who cannot always afford butter are thin and nebulous.

Now let us consider the interests of the people who manufacture and sell margarine. I do not know whether everybody is as well acquainted with the manufacturers of table margarine as some members are who have seen the evidence which interested parties, such as dairymen and factories owned by them, have put forward as a result of their investigations. It is alleged that the basic materials of margarine are animal fats, but they are only a small percentage. By and large the basic materials come from outside this country, and they are obtained by native labour. The main material is coconut oil. If we expect the dairy farmer to compete with the unfortunate native gathering coconuts we will have to reduce the standard of living in Australia to that of the native. At present the manufacturer of table margarine only has to keep his commodity at a price where he can compete with the butter market so that

he can sell the whole of his quota. I would be afraid to compare the manufacturer's profits with the weekly savings of the housewife.

Mr. Hambour—Or the butter maker's profits?

Mr. SHANNON—We have to sell our surplus butter on the world's markets, and we have no protection, so we have to accept world parity. We are bolstering up the dairy industry in Australia by keeping prices for home consumption higher than the overseas price. Whether that is a reasonable thing I shall not argue now, but it shows the industry needs some support, yet it has been suggested that we should increase competition. I shall not oppose the Minister's suggestion for an increased quota of margarine, for on a population basis there are grounds for some increase, but I will be criticized for accepting the amendment when I go back to the people making a living from dairying, which is a seven day-a-week job. The dairy farmers have my sincere sympathy.

Every time this question of margarine quotas comes up I feel I should say nothing but ill of it, though I admit that margarine fills a need in certain cases. For instance, margarine will make some types of pastries better than butter will. My wife tells me that. If people on low incomes consume margarine I do not see much harm in it provided they know they are eating margarine. They save a little money by eating margarine instead of butter and a few pence to some people are like pounds to others. We are now passing through good times and most people earn more than the basic wage, and they can afford to have butter on their bread just as much as they can afford to buy the best cuts of meat from the butcher.

The Leader of the Opposition made a threat, and I will, too. I shall not oppose the second reading, but if the Bill is amended in Committee to give the table margarine interests an advantage which at present they do not enjoy and should not have, I shall oppose the third reading. In Committee I will endeavour to protect the dairy farmer from table margarine masquerading as table butter, I hope without in any way harmfully affecting the margarine interests. They allege that my proposals will ruin their business and that they will not be able to sell table margarine, but nothing could be further from the truth. The only thing they are worried about is that they will have to get table margarine consumed where it is being consumed today, but where the people eating it are hoodwinked into thinking they are eating butter.

Mr. HAMBOUR (Light)—From what the Leader of the Opposition said, it is clear that the Opposition desires an increase in the margarine quota for this State. I cannot understand how some Labor members can support such a desire. It has always been the Labor Party's policy to provide workers with a reasonable standard of living and to protect them from cheap labour outside Australia. I cannot reconcile the attitude of Labor members on this Bill with their policy.

Mr. Tapping—If we increased the margarine quota it would help the pensioners.

Mr. HAMBOUR—There are far better ways of helping pensioners than at the expense of one section of the community. We should help them, but not to the disadvantage of our butter producers. Coconut oil is the main component of margarine and it is produced by cheap labour. How can the Labor Party advocate increasing the margarine quota to the detriment of our butter manufacturers? Would it advocate the open entry of all Chinese and Japanese goods to this country because it would help pensioners? It would be interesting to find out the reactions of dairymen in electoral districts represented by labor. The Leader suggested that the Lever interests could, at some future date, release margarine on the Australian market in unlimited quantities. I suggest they are not doing so now, not because of their generosity, but because they fear the Commonwealth Government would immediately impose such restriction on the import of coconut oil that the margarine price would have to be increased to the stage when butter could compete with it. Any person who sells margarine as butter should be severely dealt with. I doubt whether Mr. Shannon's proposed amendment will solve the problem. I would prefer the present quota to be retained but as the Minister has undertaken to increase it I will support the Bill.

Mr. BROOKMAN (Alexandra)—My main objection to margarine is that some people can be fooled into believing it to be butter. We normally insist on the correct labelling of all products, including wool, and I suggest it is only fair that the butter industry should be protected from possible imitation products. Margarine is similar in appearance to butter, but the present method of labelling margarine is not sufficiently prominent. There is no doubt that the dairy industry would suffer if increased sales of margarine were permitted. It is a problem to know how we can protect everybody. We must ensure that the dairy industry gets a fair deal, but we do not want

to restrict other manufacturers unnecessarily.

The dairy industry would be in a much sounder position today but for all the restrictions imposed on it in the last few decades. The high tariff policy of successive Australian Governments has deleteriously affected that industry. The equipment and material required by a dairy farmer must be purchased on a market protected by tariffs. In other words he must either purchase expensive imported goods or goods manufactured in Australia at a higher price than they could be obtained for from overseas but for the tariffs. High tariffs have adversely affected our trade with other countries. Many would have been prepared to purchase our primary produce if we were agreeable to buy their secondary products without this tariff wall. The sale of many of our primary products was considerably hampered during the 1930's because of our tariff policy. That is an artificial restriction on trade but, in my opinion, is a full justification for restricting the manufacture of a product that will compete with the dairy industry.

Mr. Shannon said, in effect, that our dairymen would not have much to complain about were it not for the fact that margarine masquerades as butter. I think his proposed amendments will remove those objections. I believe we are justified in increasing the quota to the extent suggested, but I am definitely opposed to any wholesale increase. Mr. Shannon made one of the soundest speeches we have ever heard on this topic and we should be grateful to him. Like Mr. Hambour, I would be interested to hear the Labour members who represent dairy farmers—the members for Murray, Gawler and Millicent—justify their support for an increased quota.

Mr. DAVIS (Port Pirie)—I rise to reply to some of the accusations levelled at the Opposition by Mr. Hambour. He has claimed that we are not interested in the welfare of dairy farmers and that we are prepared to accept articles that are produced overseas by cheap labour. We are not prepared to do that, but we are obliged to consider the position the South Australian workers have been placed in as a result of the Liberal Party's actions. Mr. Shannon suggested that a family of four could only save 5d. a week by using margarine instead of butter. If a housewife whose husband receives a salary approximating the basic wage could save 5d. on every item of foodstuff it would mean a lot to her. The Government is responsible for the present unfortunate position of the worker. The worker must live as cheaply as possible and buy the cheapest foodstuffs, therefore his standard of living is lowered. Mr. Hambour would probably like to see the worker of this country enjoying the same standard of living as the people who produce the coconut oil. He said Labor members were doing everything possible against the interests of the dairy farmers, but members on this side have the interests of the primary producers at heart just as much as the honourable member has. Members on this side would like to see everyone eating butter and not margarine.

Mr. Hambour—Do you want the quota increased?

Mr. DAVIS—I am not anxious about an increase in the quota; I support the Bill. Members on this side are always willing to support the dairy farmer, who must work long hours for a small return.

Mr. Jennings—You've probably milked more cows than some members opposite.

Mr. DAVIS—Yes, and I know the long hours worked and the lack of freedom suffered by dairy farmers generally. When Australian soldiers fought overseas they saw no butter, but had to live on margarine, although they were fighting to protect all Australians, including dairy farmers. It ill behoves Mr. Hambour to attack members on this side, for we are always anxious to protect the living standards of all Australians, whether they be wage earners or dairy farmers.

Mr. LAUCKE (Barossa)—This Bill provides for an increase in the production of table margarine on the basis of the population increase since 1952. On that basis I cannot object to the Bill, but I am concerned at the inroads being made throughout Australia by table margarine at the expense of butter. This is having a direct effect on the amount received by the dairy industry through Commonwealth subsidies. The amount of butter consumed on the local market forms a basis on which these subsidies are paid, and an amount is also paid on exports to the extent of 20 per cent of local consumption.

It is alarming from the point of view of our important dairying industry that the consumption of butter in the United Kingdom has fallen from 24.1 lbs. *per capita* in 1938 to 13.2 lbs. in 1953, although margarine consumption increased over the same period from 10 lbs. to 17.9 lbs. In 1954 the total consumption of butter in the United Kingdom increased by 12,600 tons to 312,500 tons, and the consumption of margarine by 11,000 tons to 420,000 tons. Those figures show the writing on the wall for our dairying interests unless a firm

hold is kept on the permissible production of table margarine.

I may be asked why the dairying interests should be protected to the extent they are, but I believe there is every justification for the protection afforded. If we support the principle of tariff protection for some of our secondary industries, then we can consistently support a policy of protection for a primary industry which must compete on keenly competitive overseas markets, but which carries considerably increased costs of production because of the policy protecting local secondary industry. The magnitude and importance of the dairying industry is evident when we note that the total milk production in Australia in 1954-55 exceeded 1,300,000,000 gallons, butter manufacture reached 190,000 tons, and cheese 47,000 tons. Last year butter consumption increased by three per cent on the previous year's figures to 125,860 tons.

The proposed increase of 60 tons in the production of local table margarine represents an increase of 12.8 per cent on the previous quota of 468 tons. Bearing in mind the comparative national importance of the dairying and margarine industries, I believe this increase is generous. In this State the capital investment in the dairying industry exceeds £60,000,000, and directly and indirectly the industry gives employment to about 30,000 men, whereas the contribution of the margarine industry to the national economy is comparatively infinitesimal.

Labor members have referred to the additional cost involved in the compulsory purchase of butter, but the member for Onkaparinga (Mr. Shannon) pointed out that this was only about one penny per person per week, which I consider is a modest contribution by Australians toward the maintenance of such an important primary industry as the dairy industry. I can see no great hardship in such a contribution. Although I support the Bill, I wonder whether a method of working such as that existing in the United Kingdom and Scandinavian countries could be evolved, so that butterfat could be used in margarine production. I do not know whether it would be either possible or desirable in Australia to produce margarine containing butterfat, but if the proposed increase of 60 tons of margarine were to be in the form of butterfat as an ingredient the dairy industry would be assisted.

Mr. Shannon pointed out that one of the advantages enjoyed by the margarine industry was the ability of its product to masquerade as butter when presented at table. Would it not be desirable to provide for the different coloration of margarine? Perhaps it could be coloured a deeper yellow, which would indicate to the consumer at table that he was being served margarine and not butter. I feel that an insidious intrusion into butter sales has been made by the presentation of margarine having an appearance similar to butter. Every ton of butterfat that can possibly be consumed in Australia at a price to give the producer a fair return is of importance to the dairy industry, and the Government should investigate the possibility of including butterfat as an ingredient of margarine. The member for Port Pirie (Mr. Davis) said that living standards in this country were not being maintained merely because people were being debarred from buying as much margarine as they desired.

Mr. Davis—I didn't say that. I said they were being forced to use margarine and that this was lowering their living standards.

Mr. LAUCKE—We must try to give the dairying industry a place in the sun, and the men and women engaged in that industry are entitled to the best living standard we can give them. I support the Bill.

Mr. QUIRKE (Burra)—I, too, support the Bill, and do not think that an increase of 60 tons in the margarine quota will have a harmful effect on butter production in this State. I differ with previous speakers from whose statements it would appear that margarine is inferior to butter, whereas nothing could be further from the truth. The consumption of margarine does not necessarily lower living standards, and the mere fact that butter is dearer does not make it any better than margarine. Good margarine has qualities that beat the qualities in much of the poor butter on the Australian market. Mr. Shannon spoke about the butter producers and I point out to him that if the margarine manufacturers can pass off their commodity as butter it shows that there is something wrong with butter. I do not speak unduly in favour of margarine but it is a good wholesome, nourishing food and in many respects superior to much of the butter on the market. Because butter is dearer it does not mean that it is better than margarine, just as a well-done-up packet of breakfast food costing 2s. 9d. is not better than the 4d. worth of grain contained in the breakfast food. Actually, the 4d. worth of grain as a porridge meal has a greater food value. Many people prefer table margarine to inferior butter. In World War I in England army personnel did not see butter, except sometimes

in hospital. We had to eat margarine. After we had lived on bullybeef, the same sort of jam, and biscuits hard enough to disrail a train, we were glad to get some butter, but mostly we had to be content with margarine.

I doubt whether, compared with first-class Danish butter, there is any first-class butter on our market. If we keep some of our butter for a week it becomes a waxy mess. Good butter should not go like that. It should have a greasy consistency. Our butter goes through so many processes that it is really not good butter. If there are objections from the butter interests to the proposal to manufacture more margarine let them put their own house in order. If members saw some of the cream that comes down to be used in the production of butter they would be amazed. Certainly much of the cream that comes from the country is condemned. On one occasion at a butter factory in the metropolitan area I saw cream that was undoubtedly condemned, for it contained hairy maggots one inch long. When we speak about margarine distribution we should remember that some of our butter is an extremely poor product.

Mr. Laucke—I think you should be fair. Last year Danish butter was sold on the London market at a price less than was received for New Zealand butter.

Mr. QUIRKE—New Zealand butter is better than our butter. The butter we get here is not of the same grade as the butter sent to London. The butter industry should do its best for the Australian people. Good margarine can be sold as an effective substitute for it. The butter people should clean up their affairs without talking too much about margarine manufacture.

Mr. LAWN (Adelaide)—When listening to Mr. O'Halloran I gathered there was some reason for the extraordinary increase in the manufacture of margarine in New South Wales. In the other States, according to Mr. O'Halloran's figures, the position has been static or there has been only a slight increase. In New South Wales the quantity manufactured went from 2,500 tons in 1954 to 9,000 tons in 1956, which indicates that the New South Wales people have sought trade in other States. Here in South Australia we prevent manufacturers from manufacturing enough for the local market. I am not arguing about the merits of margarine and butter, but if people are forced to eat margarine it should be available for them. Mr. O'Halloran said the Government claimed it did not believe in controls and that it supported private enterprise. Our Government does not represent the smaller men, and believes in controls that suit it. If it thinks an electoral system that provides for a dictatorship—

The SPEAKER—Order! I do not want this debate to be on the electoral system. This is a margarine Bill and I ask members to stick to it.

Mr. LAWN—If the Government wants to control the basic wage it will do so. If it wants our workers not to enjoy the same long service leave as workers in other States it will see to that. It will impose controls to suit one section of the community. Mr. O'Halloran quoted from a letter he had received from the Retail Storekeepers Association. Amongst other things it said:—

> There is a danger of the bigger stores receiving larger supplies than quota and many smaller stores being cut out, thus many suburban customers will not receive supplies. . . . . Some suburbs will have table margarine and others will be without.

The association knows what happens when goods are in short supply. If 528 tons of margarine are to be manufactured on a monthly quota the big storekeepers will get all the margarine and the smaller storekeepers none. Surely these people speak from experience.

Mr. Hambour—Do they say that, or do you say that the bigger businesses will get all the margarine?

Mr. LAWN—This statement has been read twice already this afternoon, but I will read it again for the honourable member:—

> There is a danger of bigger stores receiving larger supplies than quota and many smaller stores being cut out. Thus many suburban customers will not receive supplies.

That statement was made by the Retail Storekeepers' Association. Some days ago the Premier was speaking about cartels, and he said he was opposed to them, yet I have just quoted a statement showing that the bigger interests may get more than their quota of margarine while the smaller men will have to go without. When it suits it this Government legislates in the interests of big business. The practice of some wholesalers is to say to the small retailers, "We will let you have a certain amount of margarine if you take certain other goods from us." We should take action to stop that. I believe the margarine quota should be increased, and it is unfortunate that many people are in such circumstances that they are forced to buy margarine. I support the remarks of the Leader of the Opposition.

Mr. STEPHENS (Port Adelaide)—I support the Bill because it will enable the consumption of margarine to rise by 60 tons. Some members are frightened because butter will receive increased competition from margarine. One member said that margarine had good food value, but if so why should we limit its use? I remember when the first legislation on margarine was introduced, and some members urged that notices be placed in every room of a hotel if it put margarine on the table. Some members opposite oppose price control. They would allow the price of butter to rise to any figure, yet they would prevent people from using margarine. Is that fair? Is it not a bad advertisement for South Australian butter that many people are afraid of the competition from margarine?

Margarine is manufactured in New South Wales and Victoria and sent to this State, but its manufacture in South Australia is strictly controlled. That is wrong in principle. I know what it is like to work on a farm. As a lad I milked cows at 4 in the morning and then delivered milk, so I know what hard work that is. Some members say that the man who gets his living from dairying earns every penny and that we should support him, but that does not mean we should prohibit people on low incomes from using margarine. I hope that before long legislation on margarine will be abolished so there will be no limit on the amount manufactured and sold. Some members opposite want to create a monopoly, but will the dairymen get any benefit? They will not, because the factories and their shareholders will get it. I know how some factories treat the dairymen. If milk is not up to standard the factories do not pay the dairyman the full price, but if it is above standard he does not get more than that price. However, the factories mix the milk of low standard with milk of high standard, so they get the advantage. I support the second reading, and I hope that in Committee the additional 60 tons will be increased or the legislation wiped out.

The Hon. G. G. PEARSON (Minister of Agriculture)—In Committee I shall move amendments which are on members' files and which have the effect of changing the monthly quota into a quarterly quota. This will permit any unsold margarine to be carried over into the next calendar year. Those changes have been made at the request of the industry, and the Government is prepared to go as far as that in alleviating what perhaps may be an administrative and manufacturing problem. I should reply to one or two points to correct some misunderstandings. In respect of the total quantities of margarine manufactured within Australia there is some discrepancy on account of the fact that cooking or any margarine other than table margarine is not listed, and therefore is not accounted for in the manufacturing or consumption figures.

In my earlier remarks I took as my figures those in the Agricultural Council's report, which I considered should be as accurate and up-to-date as any that could be obtained. The quantities of production and consumption for Australia over the years 1953 and 1954 were 11,350 tons produced and 11,055 consumed. That was divided amongst the States in various ways. As far as Queensland is concerned, I quote from the Minister of Agriculture (Mr. Collins), who said that there was no limit to the production of table margarine there. It is not labelled as margarine in Queensland and any margarine produced there can be consumed as the purchaser desires. I point out to the Leader of the Opposition that that could account for the discrepancy between figures quoted by him of the total production and consumption in Australia and those quoted by me.

On the score of whether or not the so-called quota has ever been agreed upon, I point out that at the meeting of the Agricultural Council that I attended last August this matter was thoroughly discussed. The production figures of the various States were listed and the total given to the council was 11,000 tons. The council was asked to agree in principle to that being the agreed quota and the council was given an indication of how the States should divide that 11,000 tons between them. I will not go into all the details, but the representatives from the various States deprecated the fact that production in New South Wales had been allowed to run wild and that the Agricultural Council, a body presumed to meet for the purpose of co-ordinating the agricultural activities of the Commonwealth, was faced with a complete *fait accompli.*

In spite of an earlier agreement which proposed to limit the production of table margarine in Australia to reasonable proportions, the Government of New South Wales in particular had allowed its quota to increase by default to a point where Mr. Graham, the New South Wales Minister, frankly admitted that the manufacturers in his State had been allowed to break the law with impunity and increase their quota to 9,000 tons. In the Minister's absence overseas, or on account of sickness, the New South Wales Government

approved the legalization of a production of 9,000 tons in that State. The Agricultural Council was asked, in effect, to concur in the action of New South Wales, but it declined to do so.

The position at the moment is that no agreement has been reached, and no resolution was forthcoming from the Agricultural Council on this matter. I have the evidence of the proceedings of the meeting before me to support those remarks. I now wish to say a few words about the effect of the production of margarine on the dairy industry. Again I shall quote from the report of the Standing Committee, which was submitted to the Agricultural Council. It said:—

The consumption of table margarine in Australia has increased from 0.9 lb. a head in 1938-39 to 2.1 lb. in 1953-54. Conversely, factory butter consumption fell during the same period from 30.8 lb. per head to 29.3 lb. a head.

It can be seen that the increase in the consumption of margarine was almost precisely offset by a corresponding decrease in butter consumption. This position obtains in other countries, such as the United States of America, the United Kingdom, and Canada.

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

The Hon G. G. PEARSON—The Government has approached this matter with a view to considering various interests. We are trying to legislate for the wellbeing of what are sometimes claimed to be two sections of the community, although I think that in actual fact they are one. Our approach has been one of compromise in order to give a fair deal to all parties. The dairy industry in Australia is composed of 65,000 dairy farms which have an estimated capital of £600,000,000, so it is not an industry to be damaged lightly. A number of returned servicemen are conducting dairy farms and many other people have been prevented from carrying on their normal dairying activities because of the disastrous flood, and we must do everything possible to preserve the industry for them. We must remember that if that industry is damaged our ability to supply milk to the metropolis and larger country towns will be seriously affected.

Last night we were discussing another matter in which this feature was high-lighted. Mr. Quirke had some strong words to say about the quality of materials supplied from our dairy farms to factories. The facts are that South Australian butter in recent months was sold for only 3s. below the price of New Zealand butter on the British market. The New Zealand butter, incidentally, was selling at a premium of 10s. above the Danish price. The United Kingdom market is choosey and draws from all sources of supply. The South Australian product can compare with the produce from other countries. I ask the House to accept the Bill presented, with the amendments I have foreshadowed.

Bill read a second time.

Mr. SHANNON moved—

That it be an instruction to the Committee of the Whole House that it has power to to consider new clauses relating to the colour of margarine and the descriptive marking of margarine.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Control of amount of margarine to be manufactured."

The Hon. G. G. PEARSON—I move—

In line 4 of the clause to strike out "month" and insert "quarter."

If this is carried I will move a number of other consequential amendments. These amendments provide for the fixing by the Minister of Agriculture of quarterly instead of monthly sale allowances for manufacturers of table margarine, and enable a manufacturer to carry over any unsold part of his annual quota into the following year. Under the Bill the Minister is empowered to declare the maximum amount of table margarine which a manufacturer may sell each month. A manufacturer may carry over any unsold portion of a monthly allowance into the following months in the same year, but not into the following year. The purpose of these provisions was to ensure that table margarine would remain on the market throughout the year. Representations have been made that they will be too restrictive, and the Government has decided to alter the Bill to provide for the fixing of a quarterly instead of a monthly sale allowance, and to permit a manufacturer to sell in addition in any quarter any portion remaining unsold of his quarterly allowances for previous quarters, either in the same year or in any previous year. He will not, however, be permitted to manufacture in any year any portion of a quota for a previous year which he did not manufacture in that year.

Mr. O'HALLORAN—I accept the amendments because they represent an improvement on the rationing proposals originally provided. Manufacturers and traders will only be in difficulties four times a year instead of 12 times as would have been the case in the original

proposal. That indicates that there is merit in my contention that rationing is obnoxious, otherwise why should the Minister seek to amend his own Bill?

Mr. BROOKMAN—I believe that the sale of margarine should be strictly controlled. I appreciate the Minister's reasons for these amendments which will make marketing much more convenient for the manufacturers and I support them.

Mr. KING—I support the amendment. It will enable the distribution of margarine to be improved. I regret that Mr. Bywaters is not here because this Bill affects the future livelihood of some of his constituents. The fact that we have to consider a matter of this nature is a reflection of the state of the dairying industry as a whole. Several dairy farmers are suffering as a result of the recent unfortunate flood and I think that eventually some positive assistance will have to be given to them by this or the Federal Government.

Mr. SHANNON—The Minister's amendment is not in keeping with the policy pursued by my dairy farmers, nor will it be of much advantage to the manufacturer. The wholesaler will know how his quota is to be allocated whether that allocation be for a month or a quarter. Although I prefer the clause as originally drafted, I offer no serious objection to the amendment.

Mr. O'HALLORAN—I would not have risen again but for the particularly mean innuendo of the member for Chaffey (Mr. King) about the member for Murray (Mr. Bywaters) not being present to look after the interests of his dairy farmers. Mr. Bywaters is perfectly capable of looking after the interests of his dairy farmers and all his other constituents, as has been abundantly proved since he became a member. Nothing in this clause will affect the dairy industry either detrimentally or otherwise; it merely provides for the rationing of margarine over a period of 12 months. The amendment, if anything, will popularize margarine and be detrimental to the dairy industry. I suggest to Mr. King that, instead of professing regret for the people in the district of Murray in their present difficulties, he do something effective by getting some real assistance from the Federal Government to rehabilitate dairy farmers on the river.

Amendment carried.

Clause consequentially amended.

The Hon. G. G. PEARSON moved—

In paragraph (*a*) after "allowances" to insert "indicated in that declaration or in any previous declaration applying to the person."

Amendment carried.

Clause consequentially amended.

The Hon. G. G. PEARSON moved—

In paragraph (*d*) after "twenty-eight" to insert the following paragraph:—

(*d*1) by striking out the words "or sells" in the second line of subsection (4) thereof.

Amendment carried.

Mr. O'HALLORAN—I ask the Committee to reject the clause. It has been improved by the amendments but is still obnoxious to me and I hope to other members. I do not know why this should be the only industry selected for rationing.

The Hon. G. G. PEARSON—This clause not only provides for the supply of margarine over the whole year but for the quantity manufactured to be increased. If Mr. O'Halloran persists in his opposition to the clause it means that he does not want the Bill.

Mr. O'Halloran—I want no rationing.

The Hon. G. G. PEARSON—It means the honourable member wants no Bill in preference to the provisions it contains. If the clause is rejected the quantity will not be increased and the purposes of the Bill will be nullified: we will revert to the *status quo*.

Mr. SHANNON—The industry has agreed to a small quota increase but it is not happy about any increase in the quantity of table margarine to be sold. If I could get its views on the present position I am sure it would prefer to drop the Bill. Mr. O'Halloran said we are insisting on rationing of margarine to the detriment and inconvenience of this one industry. From time to time the Government has been criticized in various quarters because at various times of the year table margarine cannot be purchased, as the quota has been sold. That is why there has come a request for the Government to increase the quota. If that is the way things are to be done it is high time the industry was made to conform with decent trading practices, and that is what is being attempted by the Minister. I offer no objection to the Minister's move in this matter but if I have an opportunity to reject the measure I will do so.

Clause as amended passed.

Clause 4 passed.

New clause 5—"Colour of table margarine" and "Print on wrappers."

Mr. SHANNON—I move to insert the following new clause 5:—

The following sections are enacted and inserted in the principal Act after section 24 thereof—

24a. (1) No person shall sell or offer for sale any table margarine unless the table margarine is of saffron colour.

(2) In this section "saffron colour" means that colour as defined by the British Colour Council Dictionary of Colour Standards and therein designated as B.C.C. 54.

24b. No person shall sell or offer for sale any margarine wrapped in weights of one pound or less unless the wrapper on such margarine has the word "Margarine" printed thereon in red colour and in print of not less than 36 point Gothic Bold.

These new sections provide for saffron being the standard colour for margarine. "Saffron colour" is defined by the British Colour Council Dictionary of Colour Standards and is therein designated as B.C.C. 54. In order that margarine shall not be allowed to masquerade as butter this colour is proposed. As a colour saffron is used in the manufacture of factory butter and cheese. The saffron will have no effect on the human body. It is also used in the manufacture of paint. I have been told that the dairy industry could adopt saffron as its standard colour. That is true and it would not harm in any way the quality of the butter, or be a detriment to the housewife in the use of butter; but if that were done margarine interests would within a few weeks be colouring margarine with saffron to give it the same colour as butter.

Hotels, restaurants, ham shops, lodging and boarding houses, and snack bars are the main outlets for margarine without the public suspecting that they are getting margarine on their sandwiches or on their plates. The margarine is not put on the table branded margarine. The dairy industry is worried about the position. If the margarine industry could conform to a paler colour standard the dairy industry would be happy. There would be no difficulty involved for butter producers for they are endeavouring to keep butter a certain colour. The new clause will not affect the quality of margarine, but under it the eater will know it is margarine. The use of the colouring will not affect the taste in any way. The dairy industry provides work for men who went overseas to fight for us during the last war and I want to help them. The colour in the margarine will be close to the colour of farm butter made in the spring of the year, and much darker than the colour of factory butter. That is the colour I want the Committee to adopt for table margarine.

The Hon. G. G. PEARSON (Minister of Agriculture)—The Government does not accept the amendment. We do not think it is necessary to add any colour to margarine so as to identify it. In any case, we do not think it is necessary to go as far as the member for Onkaparinga proposes.

Mr. O'HALLORAN—I am pleased to find myself in complete agreement with the Minister. The ingredients which may be added in the manufacture of margarine have been settled on an Australia-wide basis as a result of an inquiry by the Food Technology Council. If the amendment is carried it will put us out of step with other States, and I ask the Committee to reject it.

Mr. HEASLIP—I support the amendment, as I did on a previous occasion when it was carried in this House. If we are out of step with other States we are not necessarily wrong.

The dairy industry is a most important one, for we have settled many ex-servicemen on the land to produce milk and butter. It is wrong that the margarine industry should be able to use the same colour and put up its goods as butter. If margarine is as good as butter the industry should not be ashamed to sell it under a different colour. Mr. Shannon said that farm butter had a saffron colour.

Mr. John Clark—You want margarine to look like farm butter?

Mr. HEASLIP—I want it to be sold as margarine, not as butter. I want consumers to know what they are buying. Margarine should sail under its true colours.

Mr. BROOKMAN—I support the amendment. The margarine interests want to imitate butter in every possible respect, and we would not be asking too much of the industry to stipulate that margarine should be coloured saffron. I remind members that four years ago we passed a similar provision.

Mr. QUIRKE—We have heard extrordinary arguments from three members who at other times pose as the protectors of industry. The amendment will force manufacturers to adulterate margarine so that the man who sells the product may not swindle consumers. If the seller is breaking the law those three members should take action against him. Butter manufacturers may colour their product if they wish to, and I have no objection to the margarine manufacturers putting the same colouring into margarine if they wish to, but to force them to adopt a particular colour is something I will not support.

Mr. LAUCKE—I support the amendment. An old business maxim says, "If a man is proud of his product he is not afraid to put his name to it." Let margarine be sold as such, not under the guise of butter.

Mr. SHANNON—Margarine manufacturers incorporate just sufficient colouring into their product to give it the same colour as butter. They do so that margarine can masquerade as

butter, but Mr. Quirke apparently does not realize why they want margarine to look like butter. The only way margarine manufacturers can sell their product is by getting people to think they are eating butter. If people went to a restaurant or hotel and knew that they were being served with margarine they would go next time to a place where butter was served.

Mr. HARDING—I support the amendment, which will affect only the unscrupulous people who want to sell margarine as butter. Many people sell margarine as butter after the wrapper has been removed.

Mr. MILLHOUSE—I strongly oppose the amendment. I think members may have overlooked the provisions of section 24, which states:—

No person shall sell or have in his possession for sale—

(*a*) any margarine in a package unless there is written or printed on the package in bold-faced sans-serif black capital letters of not less than 30 points face measurement the word "margarine":

(*b*) any bread, rolls, or other like foodstuff on which margarine is spread, or any margarine for consumption on the premises on which it is sold or held in possession for sale, unless there is posted in a conspicuous place on the wall of the room in which the bread, rolls, foodstuff, or margarine is sold or held in possession for sale a notice containing in bold-faced sans-serif black capital letters of not less than 108 points face measurement the words "Margarine is served here":

(*c*) on any premises where food or meals is or are sold to the public for consumption on those premises, any margarine for consumption by customers on those premises unless every vessel or package in which margarine is supplied bears thereon the word "margarine."

I believe that that is sufficient protection, if any is needed, for consumers.

Mr. FLETCHER—I oppose the amendment. We have heard much about the qualities of margarine and butter. I have been informed that at a conference of dairy experts they were asked to taste margarine and butter and tell the difference, but in two out of every three instances they were unable to do so. I represent a dairy district and would hate to see it in any way affected. I agree the industry needs some protection, but I cannot see how colouring margarine will afford that protection.

Mr. HEASLIP—Mr. Quirke said he would not support any adulteration of margarine, but I point out that it is already adulterated by bringing it to its present colour. If the amendment is accepted it will simply mean that a different colour must be provided. The article will not be further adulterated, but it will be distinguished from butter. Mr. Millhouse, by his argument, actually emphasized the need for this amendment. I suggest that no member can tell the difference between margarine and butter. We have all eaten margarine as butter. It looks the same and it tastes the same. This amendment will enable people to tell the difference.

Mr. STEPHENS—The worst advertisement I have ever heard for butter was put forward by some members opposite this evening. Mr. Heaslip said that margarine is so like butter in all respects that people cannot tell the difference. The only possible way of knowing an article is margarine is that it costs less. Some members even contend that margarine is better than butter. I suggest that those who support this amendment are not attempting to look after dairy farmers but the butter manufacturers. If this new clause is accepted, not only will margarine have to be coloured differently but manufacturers will have to brand their product in large red letters.

The Committee divided on the proposed new clause—

Ayes (7).—Messrs. Bockelberg, Brookman, Harding, Heaslip, Laucke, Shannon (teller), and Fred Walsh.

Noes (22).—Messrs. John Clark, Geoffrey Clarke, Corcoran, Coumbe, Davis, Dunstan, Fletcher, Goldney, Hambour, Hincks, Hutchens, Jenkins, Jennings, King, Millhouse, O'Halloran, Pattinson, Pearson (teller), Playford, Stephens, Tapping, and Frank Walsh.

Pairs.—Aye—Mr. Stott. No—Mr. Quirke.

Majority of 15 for the Noes.

New clause thus negatived.

Title passed.

Bill read a third time and passed.

COMPANIES ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

Its principal purpose is to require a foreign company, that is, a company incorporated outside the State, to open a branch share register in the State if the company carries on business in the State and has any shareholder resident

in the State. The Bill also deals with a number of other less important questions.

Broadly speaking, the law regards the property in shares as situated in the State or country where they are registered. This means that on the death of a shareholder the shares are dutiable under the law of that State or country. If the shareholder is domiciled elsewhere, the shares may be subject to a considerably higher rate of duty than they would have been had they been registered in his State or country of domicile, and may even be dutiable twice. Further, in order to deal with the shares, his executors or administrators will be required to incur the expense of re-sealing the probate or letters of administration.

Many foreign companies carrying on business in the State have branch registers in Adelaide. South Australian shareholders are accordingly able to register their shareholding in the State and avoid these difficulties. However, many large foreign companies which have a considerable number of local shareholders and carry on business in the State do not maintain branch registers. The local shareholders are accordingly at a considerable disadvantage. Representations have been made to the Government that a foreign company carrying on business in the State and having shareholders resident in the State should be required to maintain a branch register in the State.

It has been pointed out that Western Australia has for some time successfully required foreign companies to establish branch registers. The Government is satisfied that it would be to the general advantage to adopt the proposal and is accordingly introducing this Bill. Clauses 14 and 15 deal with the establishment and keeping of branch registers. Clause 14 requires a foreign company which is carrying on business in the State, has a share capital and has any shareholders resident in the State to keep a branch register at its registered office in the State for the purpose of registering shares of members resident in the State who apply to have the shares registered therein.

A company will not be required to establish a branch register, however, until a member resident in the State applies to have his shares registered here. After such an application is made, the company is allowed 14 days in which to establish a branch register, if it is incorporated in the Commonwealth, and 28 days if it is incorporated outside the Commonwealth. A company prohibited by its constitution from inviting the public to subscribe for its shares is not required to establish a branch register. This will mean that a foreign private or proprietary company will not be required to establish a branch register.

A foreign company registered in the State at the commencement of the Bill is not required to establish a branch register until after the expiration of six months from the commencement of the Bill, if it is incorporated in the Commonwealth, and 12 months, if it is incorporated outside the Commonwealth. Clause 14 requires a foreign company, on the application of a member resident in the State, subject to regulations, to register in the branch register shares registered on another register kept by the company, and also, on application, subject to regulations, to remove shares from the branch register. The remaining provisions of clause 14 are of an ancillary nature, dealing with such matters as the keeping of the branch register, and the transfer of shares registered on the branch register. They follow as closely as possible the provisions of the principal Act dealing with the keeping of a share register by a South Australian company.

Clause 15 makes it clear that a foreign company which fails to keep a branch register in accordance with the Bill will be deprived of the right to sue in South Australian courts. At present the principal Act provides that a foreign company which carries on business in South Australia contrary to the provisions of the principal Act cannot sue in South Australian courts. Clause 15 also makes an amendment to the principal Act consequential upon clause 14.

For convenience, I will explain the remaining matters dealt with in the Bill in the order in which they arise. Clauses 3, 4, and 5 deal with a matter raised by the Law Society. Under the principal Act, a public company may by resolution determine to be a private company, but, if the company has invited the public to subscribe for shares or debentures and as a result has issued shares or debentures to members of the public, the resolution has no effect until confirmed by the Supreme Court. The Law Society has submitted that this requirement causes hardship where there is no opposition to the conversion and is out of line with the procedure provided by the principal Act for the conversion of a public company into a proprietary company.

The Government takes the view that no useful purpose is served by requiring the con-

firmation of the Supreme Court in every case where shares or debentures have been issued to members of the public following an invitation to the public to subscribe. The Government proposes that, instead, a person aggrieved by the conversion should be enabled to apply to the Supreme Court to disallow the resolution. It is considered desirable to make this procedure available in every case where it is proposed to convert a company into a private or proprietary company, and not only where a company has issued shares or debentures following an invitation to the public to subscribe.

Clause 5 accordingly provides that on the passing of a resolution for the conversion of a company into a proprietary or private company, aggrieved persons may apply to the court to disallow the resolution.

Clauses 6 and 17 enable the Registrar of Companies to refuse to file a prospectus which appears on its face not to comply with the provisions of the principal Act. It is at present the practice of the Registrar's office to examine prospectuses and reject those which appear not to comply with the provisions of the principal Act. Though it may well fall within the scope of the Registrar's general powers, the practice is not specifically authorized by the principal Act. It is considered desirable to give specific authority for it. The practice is one which assists companies and is of service to the public generally.

Clause 7 deals with advertisements of prospectuses. Under the principal Act an abridged prospectus may be published in a newsaper subject to certain conditions. One condition is that the number of shares subscribed for by the directors should be indicated in the advertisement. This information is not required in a full prospectus, and there seems therefore no reason why it should be required in an abridged prospectus. Clause 7 accordingly deletes the requirement from the principal Act.

Clause 8 provides that in future it will not be necessary for a company to number fully paid up shares. The principal Act at present requires all shares to be distinguished by numbers. The Law Society has drawn attention to the fact that no purpose is served by requiring fully paid up shares to be numbered, and has pointed out that in England and Victoria such shares need no longer be numbered. In the circumstances it has been decided to follow the example of England and Victoria in this matter.

Clauses 9, 10 and 19 are consequential upon clause 8. Clauses 11 and 12 deal with the holding of the annual meetings of companies. Under the principal Act, a company is required to hold an annual meeting in every calendar year, and the annual meeting must be held not less than fifteen months from the previous annual meeting. Accounts and a balance sheet must be presented at the annual meeting and both must be made up to a day not more than three months prior to the date of the meeting, or in the case of a company carrying on business or having interests outside Australia, not more than six months. The clauses, which were proposed in another place by a private member and accepted by the Government, increase the period of fifteen months to sixteen, and the period of three months to four. The present requirements of the principal Act cause some hardship and difficulties and there is no reason why an additional month should not be allowed in each case.

Clause 13 requires a no-liability company to state the date of the holding of its last annual meeting in its annual return to the Registrar. The clause also increases the penalty for failure by a no-liability company to file its annual return within the prescribed time from £5 a day to £10. The object of these amendments is to tighten up control over no-liability companies. Some years ago the affairs of a number of no-liability companies were, as a result of complaints, investigated by the Auditor-General. It was found that they had been allowed to get into great confusion. Among the more outstanding deficiencies in the management of the companies was that important requirements of the principal Act had not been complied with. Balance-sheets had not been prepared, annual meetings had not been held, and annual returns had not been lodged. These amendments are designed to facilitate the enforcement of these requirements.

Clauses 16 and 18 deal with share hawking. In recent years there have been a number of complaints that salesmen have been touring country districts selling so called "units" in a company called Australian Primary Oils Ltd. These "units" are contracts by which the company undertakes, among other things, to plant and tend olive trees on a block of land near Bordertown, and to pay the proceeds of the undertaking to a trustee. A prosecution was instituted against one of the salesmen for share hawking contrary to the Companies Act, but the prosecution failed. It was held that the "units" were not shares within the meaning of the relevant provisions. The decision in this case considerably weakens the effectiveness of the laws against share hawking. The Gov-

ernment has given careful consideration to what should be done about the problem, and has decided to extend the provisions of the principal Act which make it an offence to go from house to house offering shares to members of the public so that they will prohibit house to house sales of rights or interests in businesses of any kind, subject to certain exceptions.

It is proposed at the same time to make the offence that of going from place to place, as well as from house to house, offering shares or such rights or interests. Decided cases indicate that this alteration would greatly facilitate the enforcement of the provision. Clause 16 is consequential upon clause 18, which makes it an offence to go from place to place offering to any member of the public any interest for subscription, purchase or exchange. "Interest" is defined to mean shares or any right or interest entitling a person to participate in the profits, assets or realization of any financial or business undertaking or scheme, other than the undertaking or scheme of a friendly society, industrial and provident society or building society. It does not include any right or interest under a contract of insurance. "Place" is defined to include a house, but not to include office premises. The clause also applies with respect to such an interest a provision of the principal Act which enables a court on convicting a person of share hawking to avoid a contract for purchase of the shares and to order repayment of the purchase price.

Clause 20 makes an amendment of a drafting nature to section 400 of the principal Act. This section was enacted in 1934 and provides that where powers have been conferred by private Act on a company incorporated outside this State the private Act shall not restrict the powers of the company by implication. This section was intended to make it clear that a company, society or other body incorporated outside the State and operating in the State under a South Australian private Act could exercise in South Australia additional powers conferred upon it in its place of incorporation after the enactment of the private Act. It is doubtful, however, whether the section achieves its purpose, since the meaning of the word "company" in it is not clear. It may or may not include a society or other incorporated body. In order to make the point clear this clause substitutes the word "corporation" for "company" in the section.

Mr. DUNSTAN secured the adjournment of the debate.

FORESTRY ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

TOWN PLANNING ACT AMENDMENT BILL.

Received from the Legislatiive Council and read a first time.

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

That this Bill be now read a second time.

The purpose of the Bill is to make two amendments to the Town Planning Act. The first amendment provides an expeditious method of registering easements in the name of the Minister of Works and the council concerned. When land is subdivided, it frequently occurs that it is necessary to provided for easements to the Minister of Works or the council in order to provide for the laying of sewer or water mains or to provide means whereby surface water may be adequately dealt with. In general, provision for mains and water drainage is made in the streets but it often occurs that, for the economical provision of services or drainage, it is desirable that easements be granted so that the main or drains may be taken through some of the land subdivided. As regards some housing areas, it has been found by the Engineering and Water Supply Department that it is more economical to run the sewer main along the line of the back fences rather than in the street but, of course, it is necessary, in such circumstances, that the Minister of Works should have an easement over the land in which the main is laid.

At present, it is necessary for all these easements to be separately granted to the Minister of Works or the council, and for the certificate of title of the land to be appropriately endorsed, whilst it is usual for a certificate of title to the easement to be issued. All this is productive of expense and delay although it is obvious that, where an easement is sought over land not included in a new plan of subdivision, this procedure must be followed. However, when a plan of subdivision is being prepared, it frequently occurs that consideration is given to what easements are necessary to provide for sewerage, water supply and drainage and the land intended to be used for these purposes is shown on the plan.

Clause 2 provides that where the plan of subdivision shows that any land is intended to be subject to an easement of this nature, the effect of the deposit of the plan will be to vest in the Minister of Works or, as the

case may be, the council an easement for the purpose shown. The clause goes on to define the rights which are created by the easement. The rights so given are those usually set out in a separate document creating an easement. In addition, the clause provides that the Registrar-General will make an endorsement on the appropriate certificate of title showing that the land affected is subject to the easement. It will not be necessary for the Registrar-General to issue a certificate of title for the easement.

The amendment proposed by clause 2 should be beneficial and its results can perhaps be best expressed in an extract from a minute of the Registrar-General in which he says it will effectively secure the easements at once and dispense with the preparation and registration of instruments.

Clause 3 deals with a different topic. Section 3 of the Town Planning Act provides that the Act only applies to plans which divide land into allotments for use for residences, shops, factories and like premises and does not apply to plans dividing land into allotments to be used for agricultural and similar purposes. That is, the Act only applies to plans of urban land and to plans dealing with agricultural land. Until 1934, provisions for some control over the subdivision of agricultural land were contained in the Municipal Corporations Act and the District Councils Act but when the Local Government Act, 1934, was enacted these provisions were omitted and it is probable that, under the conditions then existing, there was no need to continue the provisions in question.

However, since the introduction of the recent amendments to the Town Planning Act providing that subdividers of land should undertake various duties and responsibilities it has become apparent that, in instances, the subdividers have turned their attention elsewhere and that, unless there is some degree of control over the subdivision of agricultural land, undesirable consequences will follow. Subdivisions of land into allotments from two or three acres upwards are taking place, particularly on main roads up to twenty miles or so from Adelaide. The allotments to be sold are often described as "farmlets" and as the subdivision purports to be for rural purposes, there is no obligation to lodge plans of subdivision for approval under the Town Planning Act. In many cases, the subdivision abuts on a main road and the subdivider provides, on the plan, for a new road about 300 feet back from the main road and perhaps for other roads at somewhat similar distances.

This has a number of consequences. The council cannot object to the new road being laid out on the plan but it is then saddled with what may be, from the council's point of view, an unnecessary road which, in due course, someone will expect to be made by the council. In instances, roads of this kind which have been laid out on a plan are virtually impossible to drain and, if the council had any control, it would never permit the roads to be placed where they are.

Furthermore, at some time in the future, a plan of re-subdivision could be prepared cutting the farmlet into building blocks of the usual size and such a plan escapes the requirements laid down in the Act for plans of subdivision. It would appear that the roads previously mentioned have been laid out on the plan with a view to this future subdivision. One of the most important aspects of the practice is that it can and is bringing about ribbon development along the busy main roads leading out of Adelaide and it is generally agreed that ribbon development of this kind is undesirable.

It is therefore proposed by clause 3 to enact provisions substantially similar to those which up to 1934 were contained in the Municipal Corporations Act and the District Councils Act. The clause provides that, before a map or plan dividing land in a local government area into allotments or showing any new road or subdividing any such land is deposited in the Lands Titles Office, it must be approved by the Town Planner. The plan must be submitted in duplicate to the council which may object to the plan. Any such objection is to be dealt with by the Town Planning Committee which, under the 1955 Act, is given the general duty of considering plans of subdivisions of urban land.

The Town Planner may refuse approval to a plan if any road shown is less than 40 feet in width or cannot be made or drained without undue expense, if the effect of giving approval would be to enable a future subdivision to be made contrary to the present provisions of this Act or for a number of other minor reasons. If the Town Planner refuses to approve of a plan there will be an appeal to the Town Planning Committee.

It will be seen that the controls proposed over these subdivisions of rural land are very much less stringent than those now contained in the Act and applicable to urban land. Section 101 of the Real Property Act provides

that before any land is divided into allotments the plan of subdivision must be deposited with the Registrar-General. By requiring a plan of subdivision of rural land to be approved by the Town Planner before it is so deposited there should be adequate control over the undesirable features of the subdivision of rural land with a minimum of interference with ordinary subdivisions of such land.

Mr. HUTCHENS secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

Its purpose is to provide for the appointment of a Deputy Comptroller of Prisons. In recent years there has been a considerable increase in the duties of the Sheriff, both in his capacity as Sheriff and as Comptroller of Prisons. First, there has been a substantial increase in the number of prisoners. The average number of prisoners in gaol each day was 284 in 1950; now it is 479. Secondly, Gladstone Gaol has been re-opened, thus increasing the administrative responsibilities of the Sheriff. Thirdly, criminal and circuit sittings of the Supreme Court are longer than they used to be, and now take up a considerable amount of the Sheriff's time. It has been found necessary in recent years to hold additional circuit sittings and there are now six of these sittings each year. There has been an increase in the probation work carried out by the Department, and also in the number of writs to be executed.

The growth in the work of the Sheriff's Department is indicated by the annual revenue. This has risen from £8,011 in 1950 to £60,466 in 1956. The Sheriff's duties often take him away from Adelaide. He is required to inspect Gladstone Gaol and Kyeema Prison Camp from time to time. In addition, he goes to Mount Gambier and Port Augusta with the circuit court, and this means an absence of about ten weeks a year.

The frequent absence of the Sheriff from Adelaide causes inconvenience particularly since, under the Prisons Act, there are a number of functions which can only be performed by him in his capacity as Comptroller of Prisons. Thus, the Comptroller's authority is required for the transfer of a prisoner from one prison to another or from prison to hospital. The Sheriff's difficulties were to some extent alleviated by the appointment several years ago of a permanent Deputy Sheriff. This appointment, however, while enabling the Sheriff to delegate his functions as Sheriff, does not enable him to delegate his functions as Comptroller of Prisons. The increase in the work of the department now necessitates the appointment of a Deputy Comptroller as well as a Deputy Sheriff. Ordinarily such an office could be created under the Public Service Act, but in this case a Bill is required, since the Deputy can only be enabled to exercise the statutory powers of the Comptroller by amendment of the principal Act.

The Government is accordingly introducing this Bill. It provides for the appointment of a Deputy Comptroller of Prisons by the Governor. The Deputy Comptroller is required to exercise and perform such of the powers and duties of the Comptroller as the Comptroller directs. The Bill also provides that where the Comptroller is absent from duty, or the office of comptroller is vacant, the Deputy Comptroller may exercise and perform the powers and duties of the Comptroller under the principal Act, or any other Act of Parliament.

Mr. TAPPING secured the adjournment of the debate.

BUSH FIRES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STOCK LICKS ACT REPEAL BILL.

Returned from the Legislative Council without amendment.

FISHERIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (TOTALIZATOR LICENCES).

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

It deals with a problem affecting the Renmark and the Berri-Barmera Racing Clubs. Section 17 of the Lottery and Gaming Act provides that no totalizator licence shall be issued for any racecourse situated within 10 miles of any other course in respect of which a licence to use

the totalizator has been or usually is issued. The section also provides that where more applications than one are simultaneously made for totalizator licences for racecourses situated within 20 miles of each other it shall be within the discretion of the Commissioner of Police, subject to the approval of the Chief Secretary, to licence which racecourse he thinks fit.

There is some ambiguity in the section because it is not clear whether, where two racecourses are within ten miles of each other, both of them must be refused licences or only one. The most probable meaning is that one of the courses can be granted a licence. The restrictions set out in section 17 do not apply to the metropolitan courses, nor to the Jamestown or Quorn clubs. They do, however, apply to clubs in the Upper Murray Areas.

As a result of alterations in the courses used by the Renmark Racing Club and the Berri-Barmera Club in recent years their racecourses are now within six miles of each other. It is thus clear that they cannot both obtain totalizator licences. The Government has agreed to introduce legislation so that both these clubs can continue to carry on separately and this Bill contains the amendments necessary for that purpose. It includes the Renmark and Berri-Barmera Clubs among those exempted from section 17 of the principal Act.

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

WRONGS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

It deals with one problem affecting the assessment of damages in fatal accidents cases. Honourable members are familiar with the fatal accidents provisions of the Wrongs Act. Section 19 of the Act provides that when the death of a person is caused by a wrongful act which would have entitled the party injured to bring an action for damages if he had not died, the wrongdoer is liable to an action for damages brought by the deceased's executors or administrators for the benefit of various classes of relatives of the deceased. Section 20 of the Act lays it down that in every such action the court may give such damages as it thinks proportionate to the injury resulting from such death to the parties respectively for whose benefits the action is brought.

There have been a large number of judicial decisions elucidating the method in which the damages are to be computed. The basic rule which the courts have laid down is that the measure of damages is the net pecuniary loss to the person for whose benefit the action is brought, after making allowance for pecuniary benefits accruing to him or her in consequence of the death. Thus, when a bread-winner is killed under circumstances in which damages can be claimed on behalf of his widow, the court must ascertain what the widow has lost by reason of the fact that some of her husband's prospective earnings or other income would have been available for her maintenance but must set off against that amount any benefits which she has received by reason of the death of her husband, such as money payable under life insurance policies, benefits under the will of the deceased, pensions, and the like.

The problems which the courts have had to consider have been purely legal ones, that is to say, what is the proper way to ascertain the true loss which the widow or other dependants have suffered. They have not had to consider whether it is right or just in a moral sense that any particular deduction should be made in assessing the damages. The Government's proposal in this Bill is that life insurance moneys shall not be taken into account for the purpose of reducing the damages to which a relative of the deceased is entitled. A law similar to this was passed in England in 1908; and some other Australian States, New South Wales and Tasmania in particular, have passed laws providing that life insurance moneys and certain other specified benefits are not to be taken into account as an offset to the damages otherwise payable.

The Government is aware of these laws and realizes that there are several classes of deductions which have to be made as a matter of law but which can be questioned on moral grounds. The problem is a very difficult one. The Government has intentionally limited this Bill to life insurance moneys because it considers there are specially strong arguments for ensuring that the dependants of the deceased will get the full benefit of any life policies which he has taken out. For these reasons the Government has brought down this Bill. It has an open mind on the general question of what deductions should properly be disallowed and would welcome expressions of opinion on this question.

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

POLICE OFFENCES ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

It deals with one matter only, namely, the offence of using indecent language. The circumstances which have led to the introduction of this Bill are as follows. Under the Police Act, 1936, now repealed, it was an offence to use indecent language in a public place or "within the hearing of any person."

This meant among other things, that indecent language in ordinary private conversation, even if nobody objected to it was, strictly speaking, an offence punishable in the Police Court. The provision had been criticized as going too far and undoubtedly did go too far. When the 1953 Police Offences Bill was introduced the Government decided to propose that the offence of indecent language should be limited to indecent language in a public place or police station and the reference to indecent language "within the hearing of any person" was omitted.

A good deal of consideration was given to this question when the Bill was being introduced because the police took a great interest in this section and it was found that they favoured the retention of the offences of using indecent language within the hearing of any person. However, there were other provisions in the Bill which enabled indecent language directed at police officers to be dealt with and the Government decided to limit section 22 to indecent language in a public place or police station.

Since the Act was passed the Government has been requested on several occasions to restore the old provision. The member for Norwood and some other persons as well have suggested that the relevant section should be extended so as to cover indecent language used on private property when it can be heard either from a public place or in adjoining property. Some police officers have asked for the restriction of the old rule making it an offence to use indecent language anywhere in the hearing of any person. The Crown Solicitor has suggested that the section should be extended so as to cover indecent language which, even if spoken in a private place, is audible from a public place or offends or insults any person.

So far as the Government has been able to ascertain neither Great Britain nor any other Australian State has gone to the extent of penalizing indecent language used in the hearing of any persons in any place at all. In the English legislation dealing with indecent language the offence is restricted to indecent language in a street or public place such as a library, museum, art gallery, reading room or school or to indecent language which is used so as to annoy other people. The legislation of other Australian States applies only to indecent language used either in a public place or within the hearing of persons in a public place. If strictly enforced, even these statutes would be found to go too far because, read literally, they make it criminal to use language of a kind frequently used by ordinary individuals in the community, irrespective of whether anyone is offended or annoyed or any harm done to anyone. However, it is very difficult to devise legislation which will be effective and, at the same time, limited in its terms to cases really deserving of punishment.

The practical problem which arises in connection with the offence of indecent language is that the police are often called upon to deal with brawls and quarrels on private property and they feel that they would be in a stronger position to maintain order if it were an offence to use indecent language on private property.

The Government has decided that it would be reasonable to extend the section dealing with indecent language so that it will prohibit the use of indecent language on private property if the language is used so as to annoy or offend other persons. Such a provision would help the police to maintain order, and would not unduly restrict the liberty of the subject. It would mean, in practice, that people using indecent language on private premises would have to make sure that they were in company where it was not objected to. At the same time the Government thinks it reasonable to prohibit the use of indecent language on private premises in cases where it can be heard by people passing in a public place or by persons in neighbouring premises.

The Bill therefore provides that it will be an offence to use indecent or profane language or sing indecent songs or ballads in a public place or in a police station or if the language is audible from a public place or if it offends or insults any person.

Mr. DUNSTAN secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 6. Page 1414).

Mr. O'HALLORAN (Leader of the Opposition)—I understand that this Bill is the result of the deliberations of the Advisory Committee on Workmen's Compensation over recent months and that it has been unanimously agreed to by the three members of that committee. That in itself should commend it to members; consequently I do not intend to speak at length. It introduces some very good features and represents a considerable step forward in the "humanizing" process manifested since the appointment of the committee.

Clause 3 provides that children—legitimate or illegitimate born after the death of a workman shall be entitled to be regarded as dependants of the workman. The amendment does not remove the necessity of proof of relationship in the case of an illegitimate child born before or after the death of the workman but rather, by striking out words now included in section 8, enables such a child who was born before the death of the workman, but towards whose support the workman may not have been contributing during his lifetime, to become entitled to benefit from compensation provided under the Act. However, in view of the importance that may attach to whether a child is wholly or partially dependent (as mentioned in section 16 (2) and (5) of the Act) the proposed amendment in clause 3 may not be sufficiently conclusive. I would also point out that section 8 at present contains no reference to posthumous children at all. The section appears to provide only for children who at the time of the death of the workman were, in fact, wholly or partially dependent on the earnings of the workman; and it is difficult to see how even legitimate children born after the death of the workman can now be regarded as dependants, if that is the position. Are we to understand that the effect of the words proposed to be added to section 8 is that posthumous children will be deemed to be wholly dependent?

Clause 4 is another welcome addition to the provisions regarding the period of recovery of a workman following an accident. It is just that a workman should be deemed to be totally incapacitated until he has been able to secure appropriate employment. The only comment I wish to make on this point is that the Premier in his second reading speech stated that in such circumstances the arbitrator may order that the workman's incapacity shall be treated as total, whereas the Bill provides that he shall so order. I hope that is the intention.

Clause 5 removes the distinction between injuries to right and left hands so that the same amounts of compensation will be payable in respect of either, whether the workman is right-handed or left-handed. This was a provision that I had some difficulty in understanding for many years, for it seemed to me that the disability suffered from the loss of either hand or the fingers of either hand was equally great whether the workman was left-handed or right-handed, and consequently that the compensation should be the same. That is now provided for in the Bill.

Clause 5 also increases compensation payable in respect of total deafness and almost complete blindness. At present the degree of disability attributable to complete deafness is 50 per cent, but that is to be increased to 60 per cent, so if a workman suffers an accident involving the total loss of his hearing he will now receive 60 per cent of the lump sum payable for total incapacity. Similarly, in regard to the total loss of an eye or a serious diminution in the value of an eye, whereas formerly he received 75 per cent of the sum payable for total incapacity, he will now receive 80 per cent.

Clause 6 clarifies the position regarding industrial diseases expanding the scope of this part of the Act. This matter has been raised on a number of occasions by members on this side, particularly the member for Adelaide (Mr. Lawn), who has pointed out that, in the industry with which he has been associated for many years, certain types of disease are attributable to the workman's being engaged in that industry, although not covered by the provision in the Act relating to industrial diseases. That defect is remedied by the Bill.

Clause 7 provides that the new provisions shall not be retrospective. We have had previous discussions on retrospectivity. There are arguments both for and against, but I will not engage in them at this stage. Although the amendments do not make sweeping changes in the law or introduce any substantially new principle, they improve the law and humanize it to some extent; I therefore support the Bill.

Mr. COUMBE (Torrens)—I, too, support the Bill, which should, indeed, receive the wholehearted support of every member. I have had considerable experience of the working of this legislation at first hand. I firmly believe in the principle of workmen's compensation, as I do in trade unionism, and I consider this Bill an enlightened form of industrial legislation. I

sound a warning, however, that we should watch carefully to see that clauses written into this type of legislation are not frivolous; they should be constructive and not of a nature that would tend to bog down the legislation and make it unwieldy.

What is the object of workmen's compensation legislation? It should provide protection and security for workmen and workwomen and place certain obligations on employers to pay out certain amounts under certain circumstances. We have an obligation to see that any amendment to the legislation does not detract from those broad principles.

The Bill contains only minor amendments which will, in the main, not affect the legislation to any great extent. They will remove certain anomalies and mean a progressive gain. At the same time I imagine insurance premiums are not likely to increase. The only clause of any moment is clause 4, which introduces an entirely new provision, and a new outlook in regard to workmen's compensation. At first glance we could well be excused for thinking that the measure may cause malingering, but I do not think it is likely to occur. The measure is likely to be progressive and humane in its operation. The circumstances are set out freely in the clause and the employee gets a further measure of protection from it because it provides for him in certain circumstances, when recovering from an injury, doing light duties, or perhaps being down graded for the time being. The workman would benefit to some extent and contribute in some small way to production.

The employer is covered by a reference to the arbitrator, who is usually a magistrate. In any case it can only operate pending the conclusion of the findings in regard to the claim. This type of legislation has operated in the United Kingdom and New South Wales for some years and proved successful. I am sure its introduction will be a success. I commend the Government for bringing down these remedial amendments, which show that the Government Party legislates for all sections of the community. It has done much to improve the conditions of the working people from whom it and the Government derives much support. I support the second reading.

Mr. FRED WALSH (West Torrens)—I support the Bill with pleasure. It is surprising that it was introduced so late in the session. I thought there would not be any recommendation from the committee this session, and although the Bill is belated it is none the less welcome. We can say that we are thankful for small mercies. It was pleasing to hear Mr. Coumbe speak about the general principles of workmen's compensation and the need to amend the Act from time to time. He spoke about his experience in industry, but I can speak of my experience from a different angle. He praised the Government for bringing down amendments from time to time because he said it was concerned about the interests of the workers. The workers would be in a sorry position if the Government were not inclined that way, for it has been in office long enough to remove anomalies. We on this side of the House have not been in the same happy position because the Government has held office for 23 or 24 years. The amendments are welcome and will improve the lot of the workman who may be injured at work.

It has been said that no new principle is involved in the Bill, but there is one in clause 4. It will be of considerable advantage to the workman partially incapacitated at work. There was a time when there was plenty of work available and there was not the same need to get a man back to his job. Before the war there was a tendency for medical officers of insurance companies to get men off compensation as soon as possible by saying they were ready for work when actually they were not. I have known instances where the insurance company doctor has certified that a man was fit to return to work whilst his family doctor said he was not fit, but the opinion of the insurance doctor prevailed. The trouble came when the man returned to work. In many cases employers were reluctant to re-employ men because they were not absolutely fit for the work they previously did.

There have been cases where I was suspicious of the attitude adopted by some employers regarding men certified as fit for work. It may have been a small establishment and the employer would say that the man could not do the job he previously did, and as there was no light work available for him he lost his job. The new provision provides for a man doing light work if not fit to do his previous work. I do not think there is any likelihood of malingering, for if a man cannot get his old job because he is not fit and cannot be given light work the matter can be referred to the arbitrator who would not do otherwise than say that, according to the legislation, he was totally incapacitated.

Other matters in the Bill have been referred to by previous speakers. Like Mr. O'Halloran I could not understand why there was a discrimination between the left and right

arms and the fingers of the left and right hands. A left-handed man could lose his arm but under the Act would not receive the same compensation as the right-handed may who lost his arm. This anomaly has now been corrected and the same compensation will be paid whichever arm is lost. The increases in the percentages for the loss of different members, whilst small, are an advantage and are appreciated. Every member on this side welcomes them as an improvement in the present position.

I regret that the advisory committee did not recommend an amendment to cover a man going to and from his place of work. Mr. Coumbe referred to legislation in New South Wales and the United Kingdom. I do not know the actual position in the United Kingdom but I believe there is a small coverage. The New South Wales Act covers the matter fully and so does the legislation in all other States except South Australia. I hope the time will soon come when the advisory committee will make a recommendation in this matter.

Mr. MILLHOUSE (Mitcham)—I support the second reading. Every member will welcome the increase in the coverage for workmen's compensation, but we must always bear in mind the ability of industry to pay for it. That is a brake on the legislation. We must not make the cover for workmen so great that it will be too heavy a burden on industry. I do not think that will be the case if the Bill is passed, but I would like the Treasurer to clear up a few points. The first is in regard to posthumous illegitimate children. After the father is dead how can proof be adduced that he is in fact the father of the child? I am afraid there may be some abuse of this provision.

Both the member for Torrens and the member for West Torrens spoke on the provision for light work and said they did not think it would give rise to any malingering. I hope it will not, but I think there will be a temptation on a worker who gets a light job to say it is too heavy for him. He may say he cannot get another suitable job and go home and continue to draw payments under the Act. Thirdly, the provision about proclaimed industrial diseases will be widened considerably. That is a good thing so long as it does not make the burden of workmen's compensation too heavy.

Mr. JENNINGS (Enfield)—I support the Bill. Like the member for West Torrens, I regret that it does not go further, but what is in it is good. The member for Mitcham (Mr. Millhouse) gave us the old story about the ability of industry to pay. That same argument has been used against every reform in our industrial laws. In other States industry pays considerably more in workmen's compensation benefits, but employers there do not seem to be suffering adversely. We are told that prices rise if workmen's compensation payments are increased, but in other States they have not risen any more than they have in South Australia. I agree with the member for Mitcham that the Bill will not be beyond the ability of industry to meet its requirements. I am surprised that a member should cast doubts on malingering. I believe we can leave it to the experts to decide whether a person is malingering. I have much more faith in the workers than some members opposite apparently have. Clause 4 improves the Act immeasurably, and I think the provision about posthumous illegitimate children will remedy some injustice to some unfortunate child. Like the member for Mitcham, I am concerned about the technicalities, but I think ways will be found to overcome any difficulties there. The Bill is only a minor amendment of a major Act, but it should be passed unanimously.

The Hon. T. PLAYFORD (Premier and Treasurer)—The member for Mitcham raised three questions. He asked how it could be proved that a deceased person was the father of an illegitimate child, but if the arbitrator did not think the proof was adequate he would disallow the claim. Again, on his second query, the arbitrator would have to decide whether a person was not fit to work as a result of an accident. On his third query I point out that there are innumerable industrial diseases which are not mentioned in the second schedule. Section 89 shows that it was inserted as an evidentiary provision. It states:—

If a workman at or immediately before the date of the disablement was employed in any process mentioned in the second column of the second schedule, and the disease contracted is the disease in the first column of that schedule set opposite the description of the process, the disease, except where the certified medical practitioner certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment, unless the employer proves the contrary.

Many diseases have already been provided for by compensation, but they are not in the second schedule. The person making a claim under

this provision will have to satisfy the arbitrator of the justice of his case, so it should not be deleted.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Partial incapacity to be treated as total."

Mr. LAWN—I support the clause, but I hope that in the near future this provision will be improved considerably. I had many years' experience as a union secretary and prior to that as a worker in industry. Whenever a workman has been advised by his medical adviser that he can return to work and undertake light duties, but the employer has been unable to find suitable work for him, he has always received full workmen's compensation payments. I do not know whether he could legally claim that, but at the time it was the understanding of both the union and the employers that that was the position. Section 25 (2) of the principal Act states:—

In the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper.

The Act clearly establishes that a worker cannot profit from an accident. It has always been understood that if a workman who was earning £15 a week before an accident is able to accept light employment before his complete recovery at £12 a week, he should receive £3 as compensation. I draw attention to the wording of this new clause. It states:—

(*a*) a workman has so far recovered from an injury as to be fit for some employment: and

(*b*) he has taken all reasonable steps to obtain, and has failed to obtain, employment: and

(*c*) it appears to the arbitrator that such failure to obtain employment is a consequence wholly or mainly of the injury.

I think that provision is most unfair. If a man is prepared to return to work and accept light employment before he has fully recovered from an injury and his employer cannot provide such employment he must satisfy the arbitrator that his failure to obtain employment is wholly or mainly a consequence of the injury. That can be most difficult to prove. He may even register for employment and may seek employment elsewhere, but with the present surplus of labour employers are not prepared to accept men who are not 100 per cent fit. I hope the difficulties I foresee will not eventuate and that the Workmen's Compensation Committee will re-examine this matter in an effort to improve it.

Clause passed.

Remaining clauses (5 to 7) and title passed.

Bill reported without amendment; Committee's report adopted.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

The Bill deals with a number of matters raised by the Manchester Unity Friendly Society, the United Friendly Societies' Council and the Public Actuary. Most of the provisions of the Bill apply equally to societies and their branches and for brevity, I will not mention branches in explaining provisions of the Bill, which apply also to branches.

For convenience, I will explain the matters dealt with by the Bill in the order in which they arise. Clause 3 re-enacts the principal Act dealing with the objects for which societies may raise funds. The clause clarifies and improves these provisions generally. In addition, a number of alterations of importance to friendly societies are made.

First the amount of assurance which a member may effect with a society is raised from £500 to £1,000. This alteration has been requested by the Manchester Unity Friendly Society. Its purpose is to make more attractive the facilities offered to members of societies. The Public Actuary has advised that the request is a reasonable one. The present maximum of £500 was fixed in 1949. A considerable increase is obviously justified by the fall in the value of money since 1949.

Second, the clause provides for re-imbursing to members expenditure incurred by them on medicines. Until recently medicines were supplied to members under contracts made with chemists by societies. The Pharmaceutical Service Guild has, however, advised its members to discontinue supplying medicines under contract. Chemists now refuse to supply medicines under contract, so that, except where members have access to chemist shops conducted by friendly societies, they can no longer obtain medicines through their membership. Accord-

ingly it is proposed to provide for re-imbursing to members expenditure incurred by them on medicines.

The opportunity has been taken at the same time to provide for reimbursement of expenditure by members on dentistry, physiotherapy, chiropody, eye tests and spectacles. At present there is no provision at all in the principal Act for optical and chiropodical benefits, and dentistry and physiotherapy can only be provided by a society under contract with a dentist or physiotherapist. Provision is also made for optical and chiropodical benefits to be provided under contract.

Third, a friendly society is empowered to raise a fund for establishing homes for the aged or infirm. This power has been requested by the Manchester Unity Friendly Society. There is precedent for it in other States. The Government takes the view that the establishment of homes for the aged or infirm by friendly societies will be generally beneficial.

The clause also increases the maximum sickness benefit payable by a society from £3 3s. to £7 7s., and increases the maximum annuity payable by a society. At present a society cannot pay an annuity of more than £52 per annum. The Bill enables an annuity to be paid at a rate not exceeding £5 5s. a week. The clause sets out which benefits are to be provided for in separate funds, and enables benefits for which separate funds are required to be provided for in one fund if the Public Actuary consents.

Clause 4 increases the amount which a society may pay to a member from a superannuation fund from 10s. to £5 5s. a week. At present, the principal Act limits the amount which a society may pay to a member from a superannuation fund to 10s. a week. At the moment, no societies are conducting such funds, but several are considering doing so. They desire that the maximum weekly payment should be increased. The request is a reasonable one. The limit of 10s. has not been altered since 1886.

Clause 5 enables a society to establish a small loan fund. The Manchester Unity Friendly Society has asked that friendly societies should be enabled to do this. Such a fund would, if properly conducted, be a desirable facility for members, and the Government is prepared to grant the request, subject to suitable safeguards. A provision for the establishment of such funds is commonly found in other friendly societies' legislation.

Clause 5 provides among other things that a member of a society may not borrow more than £100 from the society's fund. Also the amount held on deposit in the fund is limited to an amount fixed by the rules of the society or two-thirds of the total amount borrowed from the fund by members, whichever is the less. An officer of the society who takes part in the management of the fund is prohibited from borrowing from the fund.

Clause 6 makes a minor amendment to the principal Act. The principal Act requires the Public Actuary before he registers rules made by a society to be satisfied that the rules will not adversely affect the financial soundness of the society. It would be more appropriate if the Public Actuary was required to be satisfied that the rules would not adversely affect the financial soundness of any fund of the society, and the clause provides accordingly.

Clause 7 provides that a cheque in payment of medical, hospital or certain other benefits may be signed by only one trustee of a society. At present, the principal Act requires every cheque drawn by a society to be signed by two trustees and countersigned by an officer of the society. In recent years there has been a great increase in the payment of medical and hospital benefits by societies and this requirement has caused considerable inconvenience. One society in the year 1955-56 dealt with 92,934 medical claims. The United Friendly Societies Council has asked that the signature of only one trustee should be required for such payments. The request is reasonable in the circumstances, and the clause gives effect to it.

Clause 8 enables a society to lend to a member up to 90 per cent of the surrender value of an assurance effected by him with the society. The Public Actuary has suggested that societies should be enabled to lend money in this way, and the clause provides accordingly. It will provide a further useful facility to members of societies.

Clause 9 prohibits a society or branch from lending money to a trustee of the society or branch respectively. It is considered that if societies are empowered to establish small loan funds and to lend money on the security of assurances, trustees should be prohibited from borrowing from their society or branch. It will be remembered that clause 5 similarly prohibits an officer taking part in the management of a small loan fund from borrowing from the loan fund.

Clause 10 repeals the provisions of the principal Act dealing with the payment by a society of sums payable on the death of a member or the wife or widow of a member and enacts new provisions dealing with this

matter. The existing provisions of the principal Act purport to set out the manner in which a sum payable on death should be paid, but are incomplete and difficult to interpret. The clause, instead of setting out the manner of payment, empowers societies to make rules with respect to the payment of such sums. The question is one which can be left to societies to settle for themselves, and is best so left.

Clause 11 re-enacts a provision of the principal Act dealing with the proof of death required to be produced by a person claiming a sum of money payable by a society on the death of a person. The clause enables the death to be proved by an official death certificate or certified extract from an official register. The principal Act at present only provides for proof of death by the certificate of a doctor or coroner. There is no reason why death should not also be provable by a death certificate or a certified extract of an entry on a register of deaths. The clause also generally improves this provision.

Clause 12 makes an alteration to the principal Act consequential upon clause 3, and also authorizes the transfer by a society of sums to the management fund from another fund where the rules provide that a proportion of the contributions for that other fund may be paid to the management fund. At present, though under the principal Act the rules of a society may provide that part of the contribution to a fund may be used for management purposes, the money cannot be transferred to the management fund without the consent of the Chief Secretary. This restriction is unnecessary in the circumstances.

Clause 13 deals with the return which a society is required to furnish annually to the Public Actuary. Paragraph (*a*) of the clause makes an amendment of a drafting nature to the provisions dealing with the return, and paragraph (*b*) requires somewhat fuller details to be given by societies to the Public Actuary than are at present required. Clause 14 makes a minor amendment to the principal Act which does not require explanation, and clause 15 is of a consequential nature.

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

ADJOURNMENT.

At 10.37 p.m. the House adjourned until Thursday, November 8, at 2 p.m.