HOUSE OF ASSEMBLY.

Thursday, October 23, 1958.

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

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the following Acts:—Interstate Destitute Persons Relief Act Amendment, Law of Property Act Amendment, Marine Stores Act Amendment, Mining (Petroleum) Act Amendment, Nurses Registration Act Amendment, Oil Refinery (Hundred of Noarlunga) Indenture, Secondhand Dealers Act Amendment, and Shearers Accommodation Act Amendment.

QUESTIONS.

DANGER OF CELLULOID TOYS.

Mr. O'HALLORAN—Has the Premier a report following on the question I asked on October 9 regarding danger from celluloid toys and control over their sale?

The Hon. Sir THOMAS PLAYFORD—The Director-General of Public Health reports that no complaints have been made to the Department of Public Health regarding danger from celluloid toys and there is no control over their sale in any health legislation in this State.

APPROACHES TO KINGSTON AND BERRI FERRIES.

Mr. KING—Since 1952 new bitumen roads have been placed across the river flats leading to the Kingston and Berri ferries and both have been out of use five times for periods ranging from eight to 23 weeks due to the high river. The height of the road is governed by the requirements of the River Murray Commission and its effect on flood levels. Since 1956 the irrigation areas have been protected by flood banks that have been raised to the 1931 flood level, the highest recorded between 1870 and 1956. This week the Kingston road has four or five inches of water over it for a few chains and it may go out of commission. It is a matter of touch and go whether the Berri road to Loxton will hold out. Both roads carry a fair amount of traffic between the principal river settlements. In the light of the experience since the building of the bitumen approach roads across the river flats to the Berri and Kingston ferries, and to avoid the disruption of traffic between river centres, will the Minister of Works confer with the Minister of Roads and our representative on the River Murray Commission, and examine the extent to which the roads can be raised without prejudicing existing irrigation settlements, taking into consideration the protection now afforded by the new banks built up to the 1931 flood level?

The Hon. G. G. PEARSON—This is a matter that needs some investigation to ascertain a nice balance between keeping the roads open and protecting the settlements and the effect the higher road may have. I will comply with the request and ask the Minister of Roads for an investigation.

SALES TAX ON MOTOR PASSENGER BUSES.

Mr. FRANK WALSH—Will the Premier ascertain from the Federal authorities whether the sales tax payable on motor passenger buses licensed by the Tramways Trust can be lifted? I understand that at present a considerable amount is involved, both on the chassis and on the body?

The Hon. Sir THOMAS PLAYFORD—I will have the matter examined.

PAYNEHAM BUS SERVICE.

Mr. JENNINGS—I have had several complaints from constituents who live in the Payneham-Campbelltown area that is served now by a bus service along Payneham Road, which replaced the tram service. The complaints indicate that since the conversion the journey into the city takes longer than previously, it is more difficult to get seats, and the service seems to be less frequent. Will the Minister of Works take up the matter with the General Manager of the Tramways Trust to see whether the representations I have made are correct, and, if so, whether the service can be improved?

The Hon. G. G. PEARSON—Yes.

MISREPRESENTATION IN ELECTRICAL GOODS SALES.

Mr. RICHES—Last week in this House letters from four people in my district, claiming misrepresentation by people selling electrical household goods, were read, and the member for Whyalla (Mr. Loveday) has also received letters complaining of similar practices. I have read the letters, and feel there are grounds for at least a full inquiry. If the letters are handed to the Minister of Education, will he ask the Attorney-General to call for a report on whether some action should be taken against the people allegedly guilty of misrepresentation?

The Hon. B. PATTINSON—I shall be very pleased to ask the Attorney-General to have the matter investigated and reported upon.

LONG FLAT RAILWAY BRIDGE.

Mr. BYWATERS—Some time ago a deputation of residents from Long Flat, near Murray Bridge, met the Minister of Roads, and requested that a bridge be placed across the railway line in place of the present bridge, which is regarded as unsafe. The Minister considered the matter and promised that something would be done, outlining the steps he would take to see that the proposal was carried out. A letter from the leader of the deputation now states that the work has not been carried out, and asks whether it can be speeded up. Will the Minister of Works take up this matter with the Minister of Roads?

The Hon. G. G. PEARSON—Yes.

PERSONAL EXPLANATION—CONDEMNED FOWLS.

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

Leave granted.

Mr. BYWATERS—Last Tuesday I asked a question in this House relating to poultry sales and stock inspectors. In Wednesday's *Advertiser*, under the heading "Condemned Fowls sold in City," the following article appeared:—

The Minister of Agriculture (Mr. Brookman) will call for an inquiry soon into allegations that condemned birds are being sold at city poultry auctions. Mr. Bywaters (ALP) claimed in the Assembly yesterday that some fowls were being inspected by men who were not qualified stock inspectors.

In this morning's *Advertiser* it is reported that the South Australian Farmers' Union took exception to what I am supposed to have said. The article stated:—

Condemned birds were never sold at city poultry auctions, a spokesman for S.A. Farmers' Co-operative Union Ltd. said yesterday. Mr. Bywaters (A.L.P.) had claimed in the Assembly on Monday that some fowls were being inspected by men not qualified as stock inspectors.

I agree with the Farmers' Union. The report of what I am supposed to have said on Tuesday is not correct; what I said, as reported correctly in *Hansard*, was:—

Recently I was approached by one of my constituents who is a fairly large poultry raiser and who complained that some of his birds had been wrongly condemned at auction sales in Adelaide, and that the inspectors at the sales were not properly qualified. Can the Minister of Agriculture say whether inspectors at these sales are properly trained and, if they are not, will he endeavour to have the position rectified?

The *Advertiser* report is just the opposite to what I said, and I would like to clear up the matter with the Farmers' Union, with which I have no argument at all.

ADVANCES TO SETTLERS ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Advances to Settlers Act, 1930-1952.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move:—

That this Bill be now read a second time.

It amends the Advances to Settlers Act so that the maximum amount which may be advanced under section 12a of that Act for the purpose of the erection of a dwellinghouse will conform with the maximum amounts proposed under the Bills to amend the Advances for Homes Act and the Homes Act. Section 12a of the Advances to Settlers Act, which was first enacted in 1944, provides that the State Bank may advance to a settler an amount up to £1,750 for the purpose of enabling a dwellinghouse to be erected, enlarged or altered on his holding. The dwellinghouse is to be used as a residence by the settler or a member of his family or an employee or by a sharefarmer. The advance is to be secured by a mortgage of the settler's holding and it is provided that if the holding is already mortgaged to the Crown, the bank may take a subsequent mortgage.

The total amount advanced under section 12a and under other sections of the Act, which provide for the making of advances for various purposes such as making improvements, stocking the holding and so on, is not to exceed 90 per cent of the value of the holding. In conformity with the proposals for the amendment of the Advances for Homes Act and the Homes Act, the Bill amends section 12a of the Advances to Settlers Act by providing that the maximum advance under the section is to be £3,500 instead of the present maximum of £1,750. In other respects the Act is left

unaltered, including the provision that advances are not to exceed 90 per cent of the value of the holding. As advances may be made to a settler under the Act for purposes other than under section 12a, it is considered that this percentage should not be altered.

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

PULP AND PAPER MILLS AGREEMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill ratifies another agreement relating to the establishment of an industry in this State. It is the third agreement of this kind, necessitating an inquiry by a Select Committee, which has been placed before Parliament for ratification this session. That probably creates a record for the South Australian Parliament. Some question has been raised about the wisdom of legislating in this way but the ratification of an agreement is probably the best way in which Parliament can authorize the grant of rights to industries established under arrangements made with the Government. The alternative method of dealing with the problem would be by enabling legislation giving the Government power to make and carry out agreements, but if this method were adopted Parliament would have less knowledge and control of what is being done than it has under the present method of submitting agreements for Parliamentary ratification.

The facts which led up to this Bill can be shortly stated. At the end of last year the company called Apcel Limited was formed for the purpose of carrying on a wood pulp and paper mill at Snuggery near Millicent on a site near the one already occupied by Cellulose Australia Limited. The new company was jointly owned by Australian Paper Manufacturers and Cellulose. The company selected Snuggery as the site of its mills because that locality had a number of advantages; but it had the disability that there was no ready means of disposing of effluent from the mills. It was expected that the mills would produce a considerable volume of effluent—over 1,000,000 gallons a day. The effluent would not be poisonous or disease bearing, but it might constitute a nuisance unless proper arrangements were made for its disposal. In addition the new company required the right to take water for its mills from drains under the control of the Millicent Council and from underground sources. It asked the Government to assist it in disposing of the effluent and in obtaining the necessary water rights.

The Government was desirous of having the industry established for several reasons. One important reason was that the proposal would bring about a further substantial measure of decentralisation of industry and population, by establishing mills in a pleasant rural setting. The mills will cost about one million pounds, much of which will be spent on local labour. Further, the Government itself had a financial interest in Cellulose which is a part owner of the new company. In addition to all these factors Apcel would be a customer of the Forestry Department for about 16,000,000 super feet of pulpwood a year.

For these reasons and because of the Government's general policy of development, Ministers agreed to investigate the problem of disposing of the effluent. It is a simple matter, of course, to run the effluent from the mills into the drains, but the drains discharge into Lake Bonney and the problem was to prevent the effluent from creating a nuisance in the lake. After considering various engineering alternatives the Government finally decided to try the experiment of opening a small channel between the southern end of Lake Bonney and the sea, in the expectation that the flow of water from Lake Bonney would enlarge the channel and thus provide a simple means of draining the effluent from the lake into the sea. So far the experiment has been quite successful. As soon as the small channel was cut the flow of water widened it considerably and it is now working satisfactorily and has reduced the level of the water in the lake with beneficial results. There may be some difficulty in keeping the channel open when the flow of water from the lake diminishes and storms or other natural events cause sand to accumulate in the channel, but it is expected that this problem can be dealt with at a reasonable cost.

Following the success of the channel, the Government entered into an agreement with Apcel, Cellulose and the District Council of Millicent for the purpose of conferring on Apcel the rights which it required for its proposed industry. At the same time the opportunity was taken to extend the period of operation of certain rights, which Cellulose had obtained from the Millicent Council about twenty years ago, to take water from, and discharge effluent into, Snuggery drain. The council was sympathetically disposed towards the new industry and was willing to grant the

rights required by Apcel, and also to extend the existing rights of Cellulose. The agreement therefore is a four-party one by which the Government and the Millicent council grant rights to the two companies.

It will be convenient if before dealing with the Bill itself I explain the main provisions of the agreement, which is in the schedule on pages 4 to 11 of the Bill. The first three pages of the agreement contain recitals setting out the facts on which the agreement is based, and I need not repeat them. Clause 1 of the agreement provides that the agreement will not come into operation unless it is ratified by Parliament. Clause 2 contains the definitions. By clause 3 Apcel binds itself to establish wood, pulp and paper mills at Snuggery. It is expected that the mills will be completed in the first half of the year 1960.

Clause 4 sets out the various rights which are proposed to be granted to Apcel. The first is the right to discharge effluent from the mills into the Snuggery drain and into drain number 57, and to cause the effluent to flow into Lake Bonney. As an incident to this right Apcel is also granted the right to lay pipes on or under any road to convey effluent from the mills to the drains. Before doing any such work on a road Apcel must give notice to the council and must comply with any reasonable directions given by the council. Apcel is also granted the right to lay water pipes and electrical powerlines on or under any roads, Crown lands, or land vested in the council. By paragraph (*d*) of clause 4 Apcel is empowered to take water from drains 56D and 57 which are adjacent to the site of its mill and also from the Snuggery drain. The right to take water from the Snuggery drain however is limited to water not required by Cellulose, because Cellulose already has the prior rights to this water.

It is contemplated that Apcel may have to sink bores to obtain underground water and clause 5 of the agreement provides that the Government will assist Apcel to put down such bores, and that Apcel will pay the reasonable costs of any work done by the Government. Clause 6 deals with the rights of Cellulose. These rights, like those of Apcel, are granted by the State and the Millicent council so far as their respective powers permit. The existing rights of Cellulose to take water from and discharge effluent into Snuggery drain, which rights would normally expire in about a year, are extended for an indefinite period. The right to water however, conferred on the company is subject to the ordinary right of riparian owners to take water from the drain. Clause 7 places an obligation on Cellulose and Apcel to maintain the drains which they respectively use under the agreement. Cellulose is obliged to keep that part of the Snuggery drain above the place where water is drawn off for the mills, free and clear of all obstructions. The company is also obliged to keep the drains into which it discharges effluent free from all obstructions arising from the effluent, and Apcel is under a similar obligation. Those drains which carry effluent of both companies must be maintained by both companies, their liability for the maintenance being joint and several.

Clause 8 provides that both Apcel and Cellulose must do all work under the agreement with reasonable care and skill and avoid unnecessary damage and reinstate the surface of any land which is disturbed. Clause 9 sets out the obligation of the Government to assist in disposing of the effluent. It provides that the State will construct and maintain in effective working order all the works necessary to dispose of effluent which finds its way into Lake Bonney. In return Apcel and Cellulose are jointly and severally liable to make an annual payment to the State of £2,150. Clause 10 empowers the Cellulose company to make good any damage which is caused to the Snuggery drain and if the damage is caused by the wrongful act or negligence of any person other than Cellulose, Cellulose is given the right to recover the cost of making good the damage.

Clause 11 provides that both Apcel and Cellulose will have the right to sink bores and wells and draw off underground water from the land owned by them. They have this right in common law, but the effect of the clause is that if any restriction should be placed by legislation on the right to sink bores, the Government or the council will, so far as the law permits, grant the companies the necessary licences. Clause 12 provides that when the present agreement is ratified the existing agreements under which Cellulose obtains rights in relation to the drains from the Millicent Council will cease to have effect.

The Bill itself contains seven clauses. The first one which need be mentioned is clause 4, which ratifies the agreement and provides that it shall be carried out and take effect as if it had been expressly enacted in the Act. Clause 5 provides that neither Apcel nor Cellulose will be liable for the discharge of effluent in accordance with the agreement. As

I mentioned before the effluent is not poisonous or disease bearing and if it is properly disposed of it is not expected that it will create a nuisance. However, protection from possible legal action is essential if the industries are to be carried on, and because of the benefit which is derived by the Government and the public from these industries it is reasonable that the legislature should grant protection. There are numerous precedents for clauses of this kind. Clause 6 makes it an offence for any person to discharge into the Snuggery drain above the weir at the Cellulose mill any matter which will affect the purity of the water in the drain. It is of importance to Cellulose that the water arriving at the mill should not be polluted.

Clause 7 is a procedural clause which is somewhat similar to one contained in the Broken Hill Proprietary Company's Indenture. As the present agreement is made in the name of the State of South Australia it is desirable that any legal proceedings should be taken in the name of the State, and this is only possible if special provision is made in the Bill. Clause 7 contains a provision for this purpose.

I shall be obliged if the Leader of the Opposition will nominate two members to represent his Party on the Select Committee. When the second reading is carried it will be possible for the committee to commence its inquiries, and I think honourable members will be able to debate this Bill more advantageously when they have the committee's report before them. That procedure was recently followed to good effect in regard to the Oil Refinery (Hd. of Noarlunga) Indenture Bill and the Broken Hill Proprietary Company's Steel Works Indenture Bill.

Mr. O'Halloran—Do you want me to discuss the Bill this afternoon?

The Hon. Sir THOMAS PLAYFORD—It is not as urgent as that, but I should like to have the Select Committee appointed early next week. It may have to go to the South-East to conduct inquiries and, if so, advertisements to that effect will have to be inserted in the press. Perhaps the committee could visit the South-East at the end of next week.

Mr. O'Halloran—I am prepared to speak on the Bill now.

The Hon. Sir THOMAS PLAYFORD—Then I shall be obliged to the honourable member.

Mr. O'HALLORAN (Leader of the Opposition)—I heartily concur in the purpose of this Bill. I listened with considerable interest to the Premier's second reading explanation and, though this is not a considered opinion, I believe there is no reason to question any of the clauses in the agreement. If that is necessary the obvious body to do it will be the Select Committee. I have pleasure in supporting the second reading.

Bill read a second time and referred to a Select Committee consisting of Sir Thomas Playford and Messrs. Corcoran, King, Ralston and Hambour; the committee to have power to send for persons, papers and records, to adjourn from place to place, and to report on Tuesday November 4.

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 22. (Page 1353.)

Mr. O'HALLORAN (Leader of the Opposition)—The Opposition does not oppose this Bill, which increases the salaries of the Chief Justice and the Puisne Judges of the Supreme Court by £1,000 a year. All members of the House believe that the increase is justified and considering the increase in recent years in the salaries of members of other professions it is not unduly large. The retrospective clause is justified because the request for the increase came from the judges some time ago and I understand that it was supported by much detail in order that favourable consideration might be given.

Should not the Government have considered other salaries fixed by Statute? In 1955 Parliament passed the Statutes Amendment (Public Salaries) Act and in it amendments were made to the Agent-General Act, Audit Act, Constitution Act, Industrial Code, Payment of Members of Parliament Act, Police Regulation Act, Public Service Act, Public Works Standing Committee Act, and Supreme Court Act, and the Public Officers Salaries Act was repealed. This Bill increases the salaries of judges but there is no legislation to deal with the salaries of the public officers covered by the Acts mentioned. The President and the Deputy President of the Industrial Court are entitled to consideration because of the judicial nature of their duties, but I want to refer more particularly to members of Parliament. We are the lowest paid members of Parliament in Australia, except about six members of the Tasmanian Parliament who represent metropolitan constituencies, and their emolument is only £16 a year less than the base rate in South Australia. Our base rate of £1,900 was fixed in 1955—it has not been altered since. The Opposition feels that

the matter should be reviewed now. In Western Australia, a State somewhat similar to South Australia, members have a base rate of £2,160, and in addition get a substantial electoral allowance. Any consideration of our request should include consideration of the payment of an electoral allowance instead of a salary increase. In all States except South Australia there is some form of expense allowance and it is time that we had one here. I will not mention any specific sum but I have handed to the Premier a schedule showing the allowances in the other States. A number of Opposition members give full-time and valuable service to their constituents and have no other form of livelihood, and on the Government side there are members similarly situated. I have no objection to the salaries of judges being increased and there would be no objection to an increase in the salaries of public officers who have had none since 1955. These people are more or less permanent in their work, but there is a lack of permanency in respect of members of Parliament.

Mr. Bywaters—We can almost be classified as casual workers.

Mr. O'HALLORAN—That is so; therefore we should receive some consideration. I am authorized by the Opposition to ask for the salaries of members of Parliament to be reviewed. Some people say it should not be done on the eve of an election, but it was done in 1955 just prior to an election. If anything is to be done, it should be done immediately before an election rather than immediately after. I hope the Government will give serious and sympathetic consideration to the points I have made.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. Sir THOMAS PLAYFORD—I move that progress be reported to enable me to consider the matters raised by the Leader.

Progress reported; Committee to sit again.

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 9. Page 1145.)

Mr. O'HALLORAN (Leader of the Opposition)—It is so long since I read the report on this Bill that I am not quite sure where I should start with my analysis, but I am heartened by the fact that it has passed another place, where no doubt it was the subject of proper scrutiny. The Bill deals with the basis for the assessment of royalties in certain cases, amends the provisions of the principal Act regarding the pegging of claims, and by new section 39a alters the law relating to the registration of claims and gives a certain discretion to the mining registrar. As I understand it, this provision is the most vital in the Bill. Members will recall that last year some difficulty was experienced concerning subdivided land that had been surveyed and set out for sale as building blocks when a person in possession of a mining right went on to the land and pegged a mineral claim, thereby upsetting all connected with the subdivision. The purpose of this new section, I understand, is to give the registrar power to deal with such cases. I think it is a proper provision, and I support the second reading of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Registration of claim. Discretion of mining registrar."

Mr. RICHES—I am in favour of this provision because abuses have occurred, but there are also obstructionists amongst occupiers of land, and an unreasonable decision could be given. Is there any provision for an appeal?

Mr. O'Halloran—Yes, in the principal Act.

Mr. RICHES—If that is the position, I am satisfied.

Clause passed.

Remaining clause (6) and title passed.

Bill read a third time and passed.

COLLECTIONS FOR CHARITABLE PURPOSES ACT (CHEER UP SOCIETY INC.).

Consideration in Committee of resolution received from the Legislative Council (for wording of resolution see page 1352).

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

That the resolution be agreed to.

The motion is that the House should, pursuant to subsection (3) of section 16 of the Collections for Charitable Purposes Act, 1939-1947, pass a resolution approving of the making of a proclamation by His Excellency the Governor in the form set out in the resolution. Subsection (1) of section 16 provides that if the Governor is satisfied that any moneys or securities for moneys, held for any charitable purposes by or on behalf of any person, society, body, or association to whom or to which a licence is or has been issued under this Act, are not or will not be required for that purpose, the Governor may by proclamation declare that the whole

or any part of such moneys and securities shall be applied by such person, society, body, or association to any other purpose. Subsection (2) of section 16 provides that any such proclamation shall have the force of law and payments and transfers shall be made to carry out the directions of the Governor thereby made. Subsection (3) of section 16 provides that a proclamation shall not be made under that section until a resolution has been passed by both Houses of Parliament approving of the making of the proclamation.

The Cheer-up Society Incorporated, a society which raised moneys during the war for its general purposes pursuant to a licence issued under the Collections for Charitable Purposes Act, has informed the Government that it is at present holding moneys or securities for moneys to the amount of £1,500 which are not and will not be required for those purposes, and that it desires that these moneys shall be applied by it to payment to the following bodies and for the following purposes:—

	£
To The Missions to Seamen—War Memorial Building Appeal	750
The Soldiers Home League Incorporated—(War Veterans Home) Building Appeal	500
The Home for Aged Trained Nurses—Appeal by the Returned Sisters Sub-Branch of the Returned Sailors', Soldiers', and Airmen's Imperial League of Australia (South Australian Branch) Incorporated	250

In order that the society may apply the moneys in this manner it is necessary for His Excellency the Governor to make a proclamation under section 16, declaring that the moneys shall be so applied, and the House is asked to pass the resolution moved for that purpose.

Progress reported; Committee to sit again.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 14. Page 1201.)

Mr. LAUCKE (Barossa)—This Bill, which is based on recommendations of the Children's Welfare and Public Relief Department, has my approval. The Bill seeks to remedy anomalies and to facilitate administration. One of the anomalies arises from the definition of "child" which is any boy or girl under the age of 18 years. Clause 3 amends the relevant section of the Act so that a child now under the control of the Children's Welfare Department and who is over the age of 18 years can be committed to the custody of the Comptroller of Prisons. That seems a desirable provision.

Clause 6 enacts a new section which alters the name of the institution known as the Industrial School, Edwardstown, to the Glandore Children's Home. I think that is desirable because the title "industrial" is somewhat a misnomer giving the impression that the school has a punitive purpose. It is, in fact, a temporary home for boys who are unfortunately without parental control pending the finding of a private home for them. I feel it is a kindly decision to change the name as proposed. The provision ensuring that a person liable for maintenance payments may not evade liability by flitting to another State is just and necessary.

I take this opportunity of paying a tribute to the excellent work of the officers and staff of the Children's Welfare Department. I believe the affairs of the department are being administered with an understanding and kindly approach. The staff does its work well and evinces a personal interest in the matters brought before it. It is good to see a humane approach in such a department and I believe the members of the staff are doing a magnificent work on behalf of many unfortunate people and for the State. I have pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Transfer of State children to custody of Comptroller of Prisons."

Mr. RICHES—I do not object to the clause because it corrects an anomaly, but comparing it with the parent Act has created some confusion in my mind that I would like clarified. Apparently any State child can be transferred from the custody of the department to the custody of the Comptroller of Prisons on the application of the department. A number of these children should have no stigma attached to them. They are placed in a home not because they have committed any wrong but simply because they have been left in unfortunate circumstances. Under this provision they can now be placed directly under the custody of the Comptroller of Prisons without any trial or without any of the formalities which must be observed in connection with a child who is not a State ward. I am not suggesting there has been any abuse of this provision in the parent Act because I think it has been sympathetically administered, but I am not happy with the provision. No child

should be committed to the custody of the Comptroller of Prisons unless he has had the advantage of a trial with an opportunity to defend himself. I think Parliament should examine this provision closely.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—In 1941 the following provision was inserted in the principal Act:—

122a. (1) Where the board is satisfied that any child who has been placed in an institution has shown by his conduct that he is so unruly or depraved that he is not a suitable person to be detained in an institution, the Governor may, on the recommendation of the board, order that the child be transferred to the custody of the Comptroller of Prisons.

(2) Upon any child being so transferred, the Comptroller of Prisons may detain him in any prison which the said Comptroller deems suitable, for the balance of the period for which he might have been detained in an institution, or until he is released according to law.

That is the present law. The Bill merely seeks to make it apply to persons over the age of 18 years because the definition of a child relates only to persons under 18 years. Mr. Riches will agree that if this is a suitable provision for a person under 18 it is suitable for a person over 18. I realize that he is concerned about the procedure taken when children are transferred to the custody of the Comptroller of Prisons. I point out that this cannot be done without the recommendation of the Children's Welfare and Public Relief Board, which is always anxious to make the right recommendation, and it is also necessary for the Governor himself to make an order to commit a child to prison. Before the Governor in Executive Council considers making such an order Cabinet carefully examines the case.

Mr. Riches—Apparently this provision has been asked for by someone.

The Hon. Sir THOMAS PLAYFORD—There is much greater need for this provision now because under the principal Act a child under 18 who has been neglected by his parents can be committed to the care of the Children's Welfare Department, even though he has not committed any offence. Usually he is not committed to an institution; most of those sent to institutions have been convicted by the court, and they will be the children to whom this clause will apply. The Government does not wish to send children to prison unless they are guilty of unruly behaviour and impossible to handle in a normal institution. I have never heard of any complaint about a child being sent to prison unnecessarily.

Mr. FRANK WALSH—I understand that the youths who bashed an attendant at Magill Reformatory recently could be dealt with under this Bill. I agree that the Glandore school should be made a suitable place for the boys sent there. Some are admitted to that school because they have been neglected by their parents, but others have been convicted by the court. The attendant who was bashed at Magill was in charge of 70 boys. I realize that some of them went to his assistance, but he was badly injured and will be under medical care for some time, so I believe that this clause is necessary. After boys escape from an institution they often commit further offences before being apprehended by the police. We must consider whether we should continue to regard youths of 16 to 18 as children. I point out that under Commonwealth social service legislation parents receive an endowment for every child up to 16 years of age, and many youths over 16 are physically mature. I do not want boys of 16 to 18 to be taken from institutions and congregated with hardened offenders; indeed, I hope they will become useful citizens, but the problem of their detention perturbs me. The bashing of an attendant at Magill was a serious matter, and I wonder whether we should do something more than erecting a new security block at Magill.

The Hon. Sir THOMAS PLAYFORD—At this stage I do not wish to comment on the honourable member's remarks, but I assure him that the Government is examining all the points he raised.

Clause passed.

Clause 4 passed.

Progress reported; Committee to sit again.

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

That it be an instruction to the Committee of the Whole House that it has power to consider an amendment of section 151 of the principal Act dealing with the payment of maintenance for State children detained in a private reformatory school or institution.

Motion carried.

Bill recommitted.

Clause 5 passed.

Clause 6—"Glandore Children's Home."

Mr. FRANK WALSH—Not long ago the name of the Edwardstown Industrial School was changed to Glandore Industrial School, and now it is intended that it shall bear the name of Glandore Children's Home. I have always been interested in the affairs of this

institution. Increased numbers of children are going to it and portable buildings will have to be used to cope with the extra accommodation required. Some of the existing buildings should have been demolished long ago. If the children are to be reformed the best possible conditions should be available. What is Government policy on this matter? An effort should be made to effect a change in the present accommodation. When the new remand home is erected at Glandore will it house both sexes, will there be various compounds for segregation, and will it be separate from the main institution? I have made several visits to the school and believe that the administrative officers are doing their best under existing conditions. Boys are sent there for further education, but there is a need also for them to indulge in healthy sport. I do not know whether there is enough land available for this purpose. Will the Glandore institution be overloaded or will more use be made of the institution at Struan in the South-East? Can the Premier give me any information on these matters?

The Hon. Sir THOMAS PLAYFORD—The clause deals with the name of the institution and not the various matters mentioned by the honourable member, but I can tell him briefly that the remand home will be entirely separate from the main institution. It is being erected there because of its nearness to the courts. I understand that as a result of negotiations between the Chief Secretary and the Children's Welfare and Public Relief Board a decision has been reached on a long-term accommodation building programme for the home, and that the docket is now with the Architect-in-Chief.

Clause passed.

Clause 7 passed.

New clause 5a.

The Hon. Sir THOMAS PLAYFORD—I move to insert the following new clause:—

5a. Section 151 of the principal Act is amended by striking out the word "twenty" in the fourth line thereof and inserting in lieu thereof the word "forty." This section shall be deemed to have effect as from the fifteenth day of April, 1958.

The report from the Parliamentary Draftsman is as follows:—

I forward herewith the desired amendment to the above Bill which is now at the second reading stage in the House of Assembly, having passed in the Legislative Council. As the amendment deals with a matter which is in no way related to the other clauses in the Bill it may be desirable to move an instruction to the Committee that it has power to consider an amendment to section 151 of the principal Act dealing with the payment of maintenance for State children detained in a private reformatory school or institution. I suggest also that a Governor's message be obtained recommending the appropriation of revenue for the purpose authorized by the amendment. The explanation of the amendment is as follows:—New clause 5a proposed in this amendment amends section 151 of the principal Act which deals with payments by the Children's Welfare and Public Relief Board for the maintenance of State children in private reformatory homes, schools or institutions. Under the existing section such payments are limited to a sum not exceeding 20s. a week for each child, the maximum which in the opinion of the Government should be increased. In 1957 section 150 of the Act was amended to increase the weekly amount payable to foster parents of State children from 30s. to 50s. per week for each child. In the early part of this year the Sisters of the Home of the Good Shepherd at Plympton, an institution which houses about 20 State girls, applied to the department for an increase in the allowance for State girls detained there. The department, under a mistaken impression that the 1957 amendment to section 150 of the Act applied, increased the allowance from 20s. to 40s. a week. The section which authorizes the payment of maintenance for State children to private reformatories is section 151, which was not amended in 1957, and it is therefore necessary to propose this amendment in order to ratify the past action of the department and provide for future payments at the new rate. There is no doubt that the proposed increase from 20s. to 40s. a week is desirable for the purpose of bringing section 151 into line with section 150 as amended last year. The reference to April 15, 1958, in sub-clause (2) of clause 5a relates to the date on which the increased payments were first made to the Home of the Good Shepherd. By making the clause retrospective to that date the Government proposes to ratify the action of the department which, although made in good faith and with good cause was nevertheless not authorized by the principal Act.

This amendment is merely to meet the position that arose because, owing to the increased cost of maintaining children in the Home of the Good Shepherd, the department made an increase, which the Government subsequently discovered was not authorized by the principal Act. I have shown the docket to the Leader of the Opposition, and I am certain he is entirely satisfied that the amendment is justified.

Mr. BYWATERS—I have just been told that the Morialta Children's Home has applied to the Federal Government for assistance, but the application has been rejected because the Federal Government claims it is a State matter. Will this provision apply to that home? Is any payment made to that home?

The Hon. Sir THOMAS PLAYFORD—The children covered by the amendment are State children who have been allotted to the Home of the Good Shepherd for care, maintenance and control. As far as I know there are no State children at the Morialta Children's Home. That is a worthy institution, and there are a number of homes of that kind in this State which, from the point of view of philanthropic service, are doing an extremely good job. However, as far as I know it has never been a declared institution under the Act, so this provision would not apply to it.

Mr. Jennings—If it were a declared institution it would get the 40s.?

The Hon. Sir THOMAS PLAYFORD—It would have to be a declared institution and have children allotted to it to come under this Act, but as far as I know it is a privately-run home, although some children in it, but for its existence, might have gravitated to the State home for care and attention.

New clause inserted.

Title passed.

Bill reported with an amendment; Committee's report adopted.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Government has received a report from the Workmen's Compensation Committee recommending some increases in the rates of compensation and other amendments of the Act. The increases are justified by changes in the living wage and by increases in the other Australian States. The recommendations made by the Committee appeared to the Government to be moderate and justified by the arguments submitted and the Government has accordingly introduced this Bill to give effect to them. The rates of compensation in the Act at present were fixed in 1954. Since then the basic wage in South Australia has increased from £11 11s. to £12 16s., and a number of increases in the rates of compensation have been made by the Parliaments of the other States. The present maximum weekly rate of compensation is the same as the weekly basic wage. In the past the maximum has always been higher than the basic wage, so on this ground alone there is a case for reviewing the rates. The clauses of the Bill are as follows:—

Clause 3 deals with the amount of compensation payable when a workman dies leaving dependants. It is proposed that the present maximum of £2,350 should be increased to £2,500. Allowing for differences in the basic wage the figures in the other States are approximately as follows:—Victoria and Tasmania, £2,150; New South Wales, £2,620; Queensland, £2,625; and Western Australia, £2,625. To appreciate the full effect of these figures it must be remembered that in addition to the lump sum the workman's dependants are entitled to an allowance (£80 in this State) for each dependant child, and that any weekly payments of compensation received by the workman in his lifetime are additional to the lump sum. Clause 3 also raises the minimum amount of compensation payable to full dependants on the death of a workman. At present it is £500 in addition to the children's allowances, and this figure has not been altered since 1947. It is not very often that the minimum applies, but it is desirable that the opportunity should now be taken to bring the figure more into line with the other States, and for this purpose it is proposed that it be increased to £800.

Clause 4 increases the funeral expenses, payable in a case where a workman dies leaving no dependants, from £60 to £70. Information received by the Committee indicates that the funerals provided for deceased workmen are now costing £70. Clause 5 increases rates of compensation for incapacity. The maximum weekly rate is increased from £12 16s. to £13 10s. In making this recommendation the Committee has taken into account the rates in the other States. These, after making adjustments for variations in the basic wage, are:—Victoria, £12 12s.; New South Wales, £13 18s.; Western Australia, £13 5s.; and Tasmania, £12 18s. for a man with a wife and two children, £14 for a man with a wife and three children. In Queensland the overall maximum is the average weekly earnings, but as this maximum is based on a figure of £9 12s. for a man without dependants the actual maximum in the case of a man with two or more children must be somewhere about £13.

Having regard to all these figures the committee has agreed that £13 10s. is a proper figure to adopt in South Australia at present. In conformity with this increase the maximum for an unmarried man without dependants is increased from £8 15s. to £9 5s. The maximum total amount for incapacity is proposed to be increased from £2,600 to £2,750. In this case also the committee has based its

decision on the maxima fixed by other States in which maxima are still in force. After making basic wage adjustments these are approximately as follows:—Victoria, £2,765; Western Australia, £2,695; and Tasmania, £2,245 (with provision for increases in the case of multiple injury). It is also proposed by clause 5 to increase the minimum amount of payment in a case of incapacity from £3 to £4. The minimum is hardly ever payable but while the rates are under consideration it is desirable to bring it into line with other States.

Clause 6 redrafts some of the provisions dealing with medical, hospital, nursing and ambulance expenses. Section 18a dealing with these matters was originally enacted about 15 years ago but has been radically altered by amendments. It originally provided for payment of medical and other allied expenses up to a total limit of £25, and there were subsidiary limits on the amounts payable under each heading—that is, for ambulances, nursing, doctors' fees and hospital charges. Over the years the subsidiary limits were increased and though they were not expressly abolished their effect was largely nullified by the provision which allowed money not spent on one kind of service to be used to pay for another. The overall limit was gradually raised to £150, and later a provision was added empowering magistrates to award any additional medical, hospital, nursing or ambulance expenses actually and reasonably incurred by the workmen without any limit of amount. However, because a number of limits are still mentioned in section 18a and because of the special provision for an application to a magistrate to authorize payments in excess of £150, the section does not work smoothly.

The Government has been informed that in some cases claims by workmen for expenses in excess of £150 have been resisted and the workmen have been required to make applications to magistrates, although there was no real doubt about the liability to pay the sums. The Government has also been informed that legal questions have been raised about the effect of an application for excess medical expenses on a workman's general right to compensation. It was argued in one case that an adverse decision on such an application might mean that the workman was not entitled to anything at all. Doubts were also raised about the correct procedure. The legal position, however, now is that a workman has a right to be paid expenses on a reasonable scale for all medical, hospital, nursing, ambulance, and other services which are reasonably necessary as a result of his accident. It is desirable in the interests of all concerned that this rule should be stated simply and that there should be no doubt about the procedure. For this reason the Bill proposes a re-draft of the relevant provisions of section 18a of the principal Act and lays down a general rule to the effect that if a workman is entitled to compensation for an accident he shall also be entitled to compensation for the reasonable expenses incurred by him for any medical, hospital, nursing, and ambulance services which are reasonably necessary as a result of his injury. The effect of such a provision will be not only to remove the obsolete limits of amounts but also to make it clear that there is no difference, in principle, between the compensation for medical and hospital expenses and any other compensation, and that any dispute about the amount of such compensation will be settled by the same procedure as any other dispute under the Act.

Clause 6 also provides that the employer may pay the amount of the compensation for medical, hospital, or other expenses direct to the medical practitioner, hospital, or other person rendering the services, and such a payment will be a discharge of the employer's liability to the workman. The need for some provision on these lines has been pointed out to the Government by some public authorities which have found that workmen who have neglected to pay their hospital bills have nevertheless collected compensation. Hospitals have also reported to the Government that in some cases they have been unable to obtain payment from workmen although the workmen have received compensation for hospital expenses. Clause 6 also contains a provision empowering the Governor to make regulations prescribing the maximum amounts which may be charged for medical, hospital, ambulance, and nursing services under the section. There is a provision in the principal Act on this subject but it was not designed to enable the Governor to prescribe the maximum limits of these payments.

Clause 7 makes consequential amendments for increasing the amounts of compensation payable for scheduled injuries under section 26 of the principal Act. It is proposed that these amounts shall be based upon a maximum of £2,750 instead of £2,600. Clause 8 provides that the increased rates of payment

will apply only in cases of injury or death occurring after the commencement of the Bill.

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

SUPERANNUATION ACT AMENDMENT BILL.

Introduced by the Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) and read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

In recent months the Government has received requests from representative organizations for improvements in the benefits under the Superannuation Act. In order to determine to what extent these requests were justified, a comprehensive review was made of our own Act and the comparable provisions in force in the other States. It is clear that our scheme is at present less favourable to employees than those of the Commonwealth, New South Wales, Victoria and Western Australia. The Queensland scheme is so different as not to be comparable, while the Tasmanian scheme is less favourable than ours in some ways, and more favourable in others. On the assumption that it is just that South Australian standards should approximate to the general Australian standard there is a good case in favour of the alterations which are proposed in this Bill.

Three aspects in which the South Australian scheme is less favourable than those of the other States are the rates of pension for widows and children, the maximum pension which may be subscribed for, and the rates of pension payable to the older existing pensioners. The Bill deals with these three matters and some other problems which have arisen. I will explain the clauses in the order in which they appear, which is not necessarily the order of their importance.

Clause 3 is an enabling clause which will permit the Superannuation Board to administer superannuation schemes for employees of Crown authorities other than the Government. The clause provides that the board, with the approval of the Treasurer, may make an arrangement with any public authority as defined in the clause for the purpose of permitting the employees of that authority to contribute to the Superannuation Fund and obtain rights to benefits in accordance with the arrangement.

It has been represented to the Government that the scheme of superannuation applicable to Government employees, as administered by the board, is in some ways more suitable for employees of certain authorities of the Crown than their existing schemes. The authorities would be willing to have their employes brought under the Superannuation Act and to make contributions in respect of their employees similar to the contributions made by the Government. The words "the public authority," as defined in the clause, mean any body of persons appointed by the Crown and holding property for and on account of the Crown. Two such authorities are already negotiating with the Government concerning the superannuation of their employees and if the negotiations are successful machinery such as is provided in clause 3 will be required to carry the proposals into effect. If members examine this provision in its broadest sense they will realize that it has many advantages. It will enable a general scheme of superannuation to be introduced for the employees of undertakings which are virtually semi-governmental.

Mr. O'Halloran—Would it apply to the Fire Brigades Board?

The Hon. Sir THOMAS PLAYFORD—That is not a Government instrumentality. Recently a deputation approached me about this matter and I made some approaches to the Fire Brigades Board in connection with it. I hope soon to have a reply. This provision would apply more particularly to bodies such as the Electricity Trust, Housing Trust and Savings Bank. It does not mean that the employees of such bodies would automatically come into a superannuation scheme.

Mr. Shannon—It opens the door for them to come in if they want to.

The Hon. Sir THOMAS PLAYFORD—Yes, if the boards controlling those bodies so desire and if the employees are prepared to pay their share of the contributions. Clause 4 increases the maximum number of units of pension which may be contributed for. At present the maximum is 26 units. This number can be contributed for by any officer whose salary is £1,820. Any salary in excess of this amount does not confer any further right to take up units. The maximum of 26 units in South Australia for a salary of £1,820 may be contrasted with 36 in the Commonwealth and New South Wales for a salary of £3,380, 32 in Tasmania for a salary of £2,912 and 26 in Victoria and Western Australia for a salary of £2,080. After considering the position in other States, and taking into account the

higher contributions made by employees in South Australia, the Government has decided that it would be just to extend the scale. Clause 4 therefore sets out a new scale under which the maximum number of units is increased from 26 to 36 and the maximum salary carrying the right to units is increased from £1,820 to £3,275. The right to take out additional units is granted both to those whose salaries now exceed £1,820, and those whose salaries are increased above this amount in future.

As a general rule contributions for the new units will be at the rate for the contributor's age next birthday after he elects to take the units, but employees now in the service who are over 50 years of age are given the right to take up half of the additional units to which they are entitled, at the rate appropriate to a contributor whose age next birthday is 50. A similar concession was granted when the scale of units was lengthened in 1954. The right to take up additional units will apply to all those who fall within the definition of contributor in clause 4. Under the Superannuation Act contributions by every contributor cease before he reaches the age of 65, sometimes nearly 12 months earlier. The Bill provides that employees whose contributions are fully paid shall be regarded as contributors for the purpose of taking up additional units, but must pay at least a full year's contribution before becoming entitled to pension.

Clause 6 increases the rate of pension payable to the wives and children of contributors who die before retirement. Under the existing law a wife's pension is one-half of the pension for which her husband was subscribing and the allowance for each child is £22 15s. a year. It is proposed to increase these rates by one-seventh so that the wife's pension will become four-sevenths of her husband's rate, and the children's allowance will be £26. Clause 7 makes a similar increase in the rate of pension and children's allowance for the widows and children of male pensioners. Clauses 8, 9 and 11 increase the rate of pension for orphan children in all cases by one-seventh so that this pension, at present £45 10s. a year, will become £52 a year.

Clause 10 provides additional benefits payable on the death of a pensioner in certain cases. It is proposed that if the total amount of the pensions received by a contributor and his or her spouse and children are less in the aggregate than the contributions paid, and the pensioner is survived by a widow, widower, son or daughter not entitled to any pension or benefit under the other provisions of the Act, the excess of the contributions over the total of the pensions and children's benefits previously paid, will be paid to or divided among such widow, widower, son or daughter. The persons who would benefit under these provisions are the following:—

(*a*) A son or daughter over the age of 16 years;

(*b*) A widow whom the pensioner had married after retirement;

(*c*) A surviving second husband of the widow of a pensioner.

Clause 12 provides for an increase of one-seventh in all the pensions payable to all present pensioners who retired or attained the retiring age before January 1, 1949, and to all widows and children now in receipt of pension. The reason for applying the increase to persons who entered on pension before the end of 1948 is that up to this time the number of units for which an officer could contribute, and the salary rates which limited the number of units, were much lower than they became subsequently. The same position existed in connection with the Commonwealth Public Service, and the Commonwealth has recently taken action to increase pensions which have been in force for more than 10 years. The Government has been informed that similar action is under consideration in some other States. There is a good case for an increase of this kind in South Australia.

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

ADJOURNMENT.

At 4.17 p.m. the House adjourned until Tuesday, October 28, at 2 p.m.