HOUSE OF ASSEMBLY.

Wednesday, November 5, 1958.

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

QUESTIONS.

WAR SERVICE LAND VALUATIONS.

Mr. HARDING—Will the Minister of Lands state whether valuations have yet been made of land for settlement in the South-East?

The Hon. C. S. HINCKS—A batch of recommendations has arrived in regard to valuations for a number of settlers in the South-East. I shall be investigating this matter early next week, and will inform the honourable member of the exact position.

MEDICAL BENEFITS ASSOCIATION.

Mr. FRANK WALSH—The following is a circular sent by the A.M.I. of Australia to its policy holders:—

A.M.I., in keeping with its progressive policy of service to its many thousands of clients have now arranged that as from the date of your renewal, your medical benefits and hospital claims will be paid by the No. 1 Branch, National Health Service Association, 20 Currie Street, Adelaide. Therefore, for any services incurred as from that date, the claims are to be sent to that address. Where a claim for hospital benefit is being lodged, a Certificate of Hospitalization should be obtained from the hospital and forwarded with your account and receipts. A medical claim form is enclosed for medical service rendered after the date of renewal. At present, payment of your premiums for the medical benefit, combined with your sick and accident policies, can still be made to the A.M.I. The advantage to be gained by this arrangement that we have made for you will give, in addition to the benefits being received, the Government benefit that applies at present and the increased benefits that are expected when the new legislation comes forward next year. A.M.I. with thought of service and the best benefits that can be gained for their policy holders have taken this step. We are very fortunate in obtaining the co-operation of the National Health Services Association in offering our policy holders this added benefit.

I believe this company has officers touring the country selling policies for both hospital and medical benefits. Would the Premier take steps to ascertain whether it is still selling combined policies? Could he also ascertain whether the company would be in a position to meet claims that might be in existence under contract to the company, as each transfer is accepted on condition that the National Health Services Association be responsible for any claim only when transfer takes place? Should it also be registered under the Commonwealth Life Act of 1945? Why is it permitted to claim credit in its circular on Government legislation? May I also congratulate the National Health Services Association on its generosity.

The Hon. Sir THOMAS PLAYFORD—If the honourable member will give me the papers in his possession I will have the matter examined and obtain a report so that I can advise him with some authority.

ST. KILDA WATER SUPPLY.

Mr. GOLDNEY—Will the Minister of Works state what progress has been made in providing a water supply for St. Kilda?

The Hon. G. G. PEARSON—I have obtained information from the Engineer-in-Chief that orders have been placed for materials for this scheme. The necessary cement asbestos pipes were received from Sydney last week and delivered to St. Kilda. The elevated tank and the pumping plant have been delivered by the contractor and are at present stored at the Gawler Waterworks Depot. The work is scheduled to start in approximately two or three weeks' time as soon as the erection gang has completed its present job at Morgan. The Engineer-in-Chief expects that the installation of the St. Kilda scheme will take from six weeks to two months. On present indications, and allowing for the usual interruption of work caused by the intervening Christmas and New Year period, it should be completed by the end of January, 1959.

WHYALLA ENGINEERING TRAINING SCHOOL.

Mr. LOVEDAY—I have received a letter from the Parents and Friends Association of the Whyalla Technical High School expressing concern at the report that an Engineering Training School is to be established on the property occupied by the Whyalla Technical High School. This association feels that such a project is most unwise and unsatisfactory owing to the nature of the present school, pointing out that it is a co-educational centre, and that the introduction of more young men would possibly have detrimental effects. This proposal would mean a large influx of young engineering students into the school area, and with the proposed expansion of the town the number of apprentices attending the school will be greatly increased almost immediately. Will the Minister take steps to have this matter thoroughly investigated and to have

full consideration given to the views of the Parents and Friends Association and the Council of the Whyalla Technical High School before anything further is done in the matter? Will he ensure that full consideration is given to the suggestion that a separate school be built on another site to accommodate engineering students and apprentices?

The Hon. B. PATTINSON—Without making any definite promises as to the ultimate effect, I shall be pleased to consider the matters raised and to discuss the matter with the honourable member as well.

MURRAY RIVER LEVELS.

Mr. KING—Has the Minister of Works a reply to a question I asked yesterday concerning Murray River levels?

The Hon. G. G. PEARSON—The Engineer for Irrigation and Drainage has advised, through the Engineer-in-Chief, that the river level at Renmark commenced to fall 11 days ago and has now receded by 15in. It is expected to attain a total drop of 2ft. 6in. and then to rise again to the extent of 9in., reaching its second maximum on about December 10. Corresponding fluctuations will occur, of course, at each down river station. About five chains of the road near the Kingston ferry was covered with 3in. to 4in. of water this morning. It is falling at the rate of about 2in. a day. There appear to be one or two places where scouring has taken place. The Highways Department hopes to have the punt in operation early next week.

STRATHALBYN RESERVOIR.

Mr. JENKINS—After last year's dry summer with a consequential shortage of water in the Strathalbyn reservoir the Engineering and Water Supply Department investigated likely areas where bore water might be found to supplement that supply. Can the Minister of Works say whether the survey was successful and whether boring operations have been started?

The Hon. G. G. PEARSON—I had better get up-to-date information for the honourable member because I have not inquired about this scheme for a couple of weeks. I will try to have a report for tomorrow.

BROKEN HILL ROAD.

Mr. O'HALLORAN—I understand the Minister of Works has some information concerning my recent question about progress being made with certain improvements on the Broken Hill Road.

The Hon. G. G. PEARSON—My colleague, the Minister of Roads, has supplied the following information:—

The reconstruction and sealing of the Broken Hill Road through Mingary is in hand at present, and when this work is completed, the reconstruction of the Cockburn streets will be undertaken. It is anticipated that the streets in both of these towns should be completed during this financial year. Sealing of the road between Mingary and Cockburn has not yet been programmed.

PREMIER'S TWENTY YEARS' TERM OF OFFICE.

Mr. DUNNAGE (Unley)—I ask leave to move a motion without notice.

Leave granted.

Mr. DUNNAGE—I move—

That the House of Assembly place on record its appreciation of the unparalleled services to South Australia of the Premier, the Hon. Sir Thomas Playford, G.C.M.G., on completion of 20 consecutive years as head of the Government of this State.

I thank you, Mr. Speaker, the members of this House, and particularly the Leader of the Opposition with whom I conferred, for permitting me to move this motion. Today is a most momentous occasion in South Australia's Parliamentary history because it marks the completion of 20 years' service as Premier by the Hon. Sir Thomas Playford. All members are not only thrilled, but indeed delighted, with the Premier's achievement and we do not want to let it pass without making some reference to it and to the wonderful work the Premier has done in and for this State. Today is also Guy Fawkes Day—also a memorable occasion—and I thought, when considering this motion, that it might be a good idea to drop a big bomb in this House at this moment, not only to stir up members but to stir up the general public to what this day signifies.

The Premier has held office for 20 years. He was elected to this House on April 8, 1933, as one of the members for Murray—it being a three-member district then. The other members were Mr. Morphett and Mr. Shannon, the present member for Onkaparinga. He was re-elected as member for Gumeracha, after the State had been divided into single electorates, on March 19, 1938. He became Commissioner of Crown Lands on April 8, 1938, and Premier and Treasurer on November 5, 1938. He was awarded the G.C.M.G. in the 1957 New Year's

Honors List. This is indeed a wonderful record for a man who was born in a garden and began life as a gardener in the place where he still lives. He was educated locally and attended school in that district. From school he went to work in his father's garden. From that garden he went to the war and was an original member of the 27th Battalion, serving right through World War I.

Mr. Quirke—His greatest attribute is that he was a gardener.

Mr. DUNNAGE—He had no outstanding attributes at that time. A great friend of mine has told me that in those days the Premier used to sell fruit at the market to a brother-in-law of mine, Jack Tredrea, a well-known footballer. He used to come to the market early in the morning to sell fruit, and in those days prices were not as good as now. The Premier might have been a wealthy man if he had stayed in the garden instead of entering politics.

The Premier's record of service as Premier is unique in Australia. The only men who have served in Australia for any length of time apart from him were the late Sir Henry Parkes, Premier of New South Wales for 11 years and 196 days, who held office on five different occasions to build up that record, and our Premier's predecessor, Sir Richard Butler, who served for eight years and 210 days in two periods, from 1927 to 1930 and 1933 to 1938. The Premier has served for 20 consecutive years and that record should stand for many years.

The Premier came from wonderful stock. His grandfather was Premier of this State and members may be interested to know his record. He was a member of the House of Assembly from 1868 to 1871 and from 1875 to 1894, which was about the time they were thinking of bringing Sir Thomas into the world. The grandfather also served from 1899 to 1901. He was Agent-General for a period and was Premier for two years on one occasion and for one year and 307 days on another. He was ultimately elected to the Senate at the general election in 1901, became Vice-President of the Executive Council from September, 1903, to April, 1904, and Minister of Defence from 1905 to 1907, when he resigned after being defeated at the general election. That is a great family record and I doubt if there is another family in South Australia with a record like it. On behalf of all members and of all South Australians I congratulate the Premier and hope that he will remain in office, if necessary, for another 20 years.

Mr. O'HALLORAN (Leader of the Opposition)—I second the motion with a degree of pleasure. As the mover stated, the Premier's record is a remarkable one, and it shows that Parliamentary institutions can be not only of great importance in themselves, but in some respects of great importance because of the personalities of their members. During his 20 years as Premier and Leader of this House he has displayed vigorous drive and foresight which has been beneficial to the State. In that respect, of course, he could not have achieved anything without the support of Parliament, and I am pleased that in the most momentous matters he has had the unanimous support of Parliament. That shows that although we can have our differences of opinion on matters of policy and, if I may say so, on the way our Parliaments are elected, we are united in our belief that our Parliamentary institutions are golden jewels which have been handed to the member nations of the British Commonwealth from the Old Country, wherein the people can determine the laws under which they live; in other words, can determine their own destiny. It is fitting that this afternoon we should recognize the services of one who has for so long given worthy service to this Parliament.

Mr. QUIRKE (Burra)—I cannot let this opportunity pass, on behalf of those who could join with me today, but for various reasons cannot be here, of adding my congratulations to those expressed by the member for Unley and the Leader of the Opposition. Furthermore, as a fellow-member of the ancient and honourable fraternity of gardeners, I desire to congratulate the most illustrious of our members. He did all things well in his early life as a gardener, and having learned the art of doing all things well, he has practised that art in the high administrative office he has held for so long. I congratulate him on behalf of the Independent members of this House and on behalf of the people I represent, for I know they would endorse my remarks.

Mr. CORCORAN (Millicent)—I am happy to join in the congratulations extended to the Premier on this occasion, and I am prompted to do so mostly because he and I were comrades in World War I. I am proud to associate myself with Sir Thomas Playford, an old

comrade who has reached great heights in the political sphere. Little did I believe when he and I were plodding over the mud in France and Flanders that he would reach such heights. I extend to him my heartiest congratulations.

Motion carried unanimously.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—By leave of the House, may I thank honourable members for the unexpected and generous tribute they have paid me today. I am proud to have been associated with this institution and with the members that have been elected to it over a long period. Everyone who has been associated with a Parliamentary institution knows that no one person can carry any Bill himself, that it has to be carried by a majority of the members, and I think one of the pleasing things about the Parliamentary institution of South Australia is the fact that on so many matters for the benefit of the State the House is completely unanimous. Many of the things that have been passed during the last 20 years have been advocated by members opposite, and I pay them a tribute in that respect. The Parliamentary system under which we are privileged to serve is one that I believe is unequalled elsewhere, and I hope and believe that the standard of etiquette and consideration given to public measures in the South Australian Parliament is equal to that in any other Parliament I have seen. I know of no other Parliament in which amendments submitted from either side of the House are accepted so frequently and readily.

I recognize that during my 20 years as Premier of this State I have been privileged to have great assistance from the Leader of the Opposition. When I was first appointed Treasurer it was at a time when the House was not clearly defined with regard to its political philosophy. There were two main Parties, as now, but in addition a large number of Independent members, some of whom were politically to the Right, and some almost to the Left. On my first day as Leader of the House the then Leader of the Opposition got up and stated that he would assist the Government in maintaining the good ethics and conduct of the House and the good government of the country, and I have had the same generous treatment ever since. I thank the Leader of the Opposition particularly for his kindness in supporting the motion; in fact, in allowing it to come forward. I thank honourable members all.

METROPOLITAN TAXICAB ACT REGULATIONS.

Adjourned debate on the motion of Mr. O'Halloran:—

That the regulations under the Metropolitan Taxicab Act, 1956-1957, made on March 27, 1958, and laid on the table of this House on June 17, 1958, be disallowed.

(Continued from October 29. Page 1470.)

Mr. HAMBOUR (Light)—I believe this must be the longest speech on record. I commenced speaking on the motion about six weeks ago and I am now in my third instalment. Much has been said about the regulations, but most of them have not been criticized, so in general they must be regarded as good.

Mr. Lawn—What is your policy?

Mr. HAMBOUR—I congratulate the board on the progress it made up to the time of bringing down the regulations. It has done much to raise the standard of the taxicab industry. Amongst members of this place I am one of the best customers of the industry and I believe that the new form of control has done much to improve the position between it and the public. I could criticize the actions of some taxi drivers, and I shall if they do not cease to bulldoze their way to the left around corners against oncoming pedestrians. I remember the numbers of three taxicabs whose drivers have broken the law when turning to the left in their hurry to complete their business.

Mr. John Clark—Has that anything to do with the motion?

Mr. HAMBOUR—That is about the only grievance I have against the taxicab industry. The public must be protected against injury and drivers should not have free licence whilst on the roads. Perhaps Opposition members do not know what the chairman of the Taxicab Control Board has said about the regulations. Whilst Mr. Millhouse was speaking on this motion Mr. Quirke asked if he thought the regulations were perfect, and Mr. Millhouse referred to the answer given on that matter by the chairman of the board, who said:—

We took over on April 1 an industry which had fallen into much confusion and it was not possible overnight to put everything straight. We envisage that from time to time amendments will be necessary. We are prepared to tackle the problems and iron them out one by one.

In other words, these regulations are the first instalment towards placing the industry in a

desirable condition. For the information of members opposite I quote the following from the evidence tendered by Mr. Bonnin to the Joint Committee on Subordinate Legislation:—

By Mr. King—Would it be a safe assumption to say that the Taxicab Board took over the *status quo* of the industry with all its imperfections and troubles as on April 1? In other words, you allowed things to continue because that was the position when you came into operation?—That is so.

Your present objective is to try and iron out the anomalies which have appeared from time to time with the object of rendering a service to the public with a fair return to the various sections of the industry?—I think that is a fair statement. We took over a certain state of affairs and this is the way we propose to iron out this particular aspect.

In answer to another question by the chairman, Mr. Bonnin said, "We got as far as we could with the regulations." A further quotation from the evidence is as follows:—

By Mr. Millhouse—Does that mean that in due course you propose to ask the Government to make amending regulations?—It is certain we will have to. The regulations are bulky, and were difficult to draft. They were done in a hurry and Mr. Marshall, who is on the board and who is Assistant Parliamentary Draftsman, took ill and was out of action for some weeks. Sir Edgar Bean had more than he could handle at the time and I had to spend much time with him because it was not a job he could do without being briefed on policy.

Mr. John Clark asked Mr. Bonnin whether licences issued by the board were held by someone and not used, and the reply was:—

There are a few. When we discover such a situation we act. There was one man to whom we gave notice when we discovered such a situation. He had four cabs but had only two on the road. The other two were kept virtually on the ice. We regard this as wrong.

. . . . . .

The licensing officer gave notice to the man to show why the two inactive licences should not be cancelled, and within a week there were two cars using those licences on the road. We have taken similar action in other cases, and there has been one cancellation.

Mr. Bonnin was also asked about the alleged "rake-off" in the industry, and in reply to one question he said:—

We have not specified the Prices Commissioner, nor could we, because we have no authority to do so. The board could not say it would appoint the Prices Commissioner, but it could approach the Government and ask that his services be made available. The important thing in the last sentence is "No allowance be made for the privileges conferred by the licence." In other words, the fee would be related purely to the service provided and there would be nothing additional for the licence as such.

Mr. Millhouse said, "No rake-off?" and Mr. Bonnin replied:—

No rake-off from the licence as such. That has been one of the grievances of the men in the industry. They claim that they are made to pay so much a week for the use of a licence and to that extent the company holding the licence is getting something out of them.

All this makes it clear that the board is opposed to anyone in the industry getting a rake-off. Mr. Jennings suggested that all the regulations should be disallowed, but they are not too bad, and are an improvement on what we had previously. The board should be given the opportunity to deal with the position. The question "What will happen if the regulations are disallowed?" has been asked and the Premier has handed me the report from the Crown Solicitor, which is as follows:—

I am asked to advise as to the legal effect of the passing of a resolution for the disallowance of these regulations in terms of the notice of motion quoted in the Notice Paper for the House of Assembly. If the regulations are disallowed by resolution of either House they "cease to have effect, but without affecting the validity or curing the invalidity, of anything done or of the omission of anything in the meantime." The first and most obvious effect of the disallowance of the taxicab regulations would be that there would be no law in existence to control the operations of taxis in the metropolitan area. The ordinary laws, such as the Police Act and the Road Traffic Act, would, of course, apply, but there would be no restrictions on the use of taxicabs or the conduct of taxi drivers as such.

Mr. Lawn—That sounds like Menzies' policy speech.

Mr. HAMBOUR—I wish I had the stature of the Prime Minister and were able to deliver a speech as well as he can. I am proud of him. The report continues:—

Section 36 of the Act provides for the setting aside from the proclaimed day of all local government by-laws relating to taxicabs except those appointing and fixing the location and extent of stands. The by-laws formerly governing taxis therefore went out of force from the proclaimed day, and they would not be revived by disallowance of the regulations. The whole elaborate system of control by either by-law or regulation would therefore disappear, and on the assumption that licences already granted remain in force, licensed taxi drivers could operate where and how they chose within the metropolitan area without any kind of restriction. The effect of a general disallowance would be chaotic enough even if it is assumed that the licences already granted would remain in force without power of cancellation or to issue fresh ones. I am by no means sure, however, that a general cancellation of the regulations would not have the effect of revoking all existing licences and leaving section 26 in operation to prevent the use of taxicabs in the metropolitan area altogether.

Section 30 (3) provides that every licence shall be issued after compliance with prescribed conditions and upon payment of the prescribed fee, and shall contain such conditions and remain in force for such period as is prescribed. Section 25 provides for the fixing of a proclaimed day after which the Act is to operate. It is quite obvious from section 35 that the licensing system of the Act could not operate without a workable set of regulations. For example, it is mandatory for the board to make regulations prohibiting, controlling or regulating dealing in licences; regulations may be made prescribing "the conditions under which licences of any kind or grade may be issued or renewed", fixing kinds or grades and defining the rights conferred by, and the terms, and limiting the number of licences, and for cancellation or suspension and a large number of other matters without which a licensing system would be impracticable, and for which no provision is made in the Act itself. Moreover, by section 30 (3) licences remain in force "for such period as is prescribed" (*i.e.*, by regulation), and if there were no regulations in existence it is difficult to see how licences could remain in existence.

The effect of the disallowance of a regulation is the same as if it is repealed. "It has long been established that, when an Act of Parliament is repealed, it must be considered (except as to transactions passed and closed) as if it had never existed" (per Lord Tenterden C. J. as cited by Dixon C. J. in the High Court in Dignan's case in 46 C.L.R. 73 at page 105). It must be taken therefore for all purposes after the regulations have been disallowed that there never had been any power to fix a term during which licences were to operate, and it may well be that the terms which were fixed and in existence while the regulations were current come to an end with the regulations. While it may not be possible to be dogmatic as to which of these two results would legally follow from a total disallowance of the regulations in terms of the notice it is, in my opinion, obvious that one or other of them is inevitable. Either there would be a number of taxi drivers, which could not be added to or reduced, licensed to operate within the metropolitan area without any form of control, or the use of taxis within the metropolitan area would for the time being be prohibited altogether.

I am sure the House will give the Crown Solicitor's opinion the weight it deserves, and it is his opinion that a disallowance of these regulations would bring about a situation that is undesirable and not wanted by members of this House. I think the perfect answer is to negative the motion and give the board an opportunity to analyse what has been said in the House, because I am sure it will get a good cross-section of opinion on the situation. Certainly there are anomalies that Parliament wants cleared up, but I believe the board is well aware of them, and will clear them up if given the opportunity. Possibly the board will ask Parliament to amend the Act further. I am sure the board is doing its job very well, so it is only reasonable to give it time to solve this problem. I oppose the motion.

Mr. DUNSTAN (Norwood)—I support the motion. Some extraordinary arguments have been advanced against it, and I shall deal with some of them. It has been said at some length that if we disallow these regulations there will be nothing left to deal with taxicabs, so we cannot disallow them. That is an extraordinary argument to advance, particularly in the case of the member for Mitcham (Mr. Millhouse), because nobody in this House has been as assiduous as he in putting on the Notice Paper, in exactly the same sort of situation, motions to disallow council by-laws. In practically every one of the situations in which he has sought to disallow by-laws, no regulations would remain after their disallowance. If that is a valid reason for refusing to disallow regulations or by-laws we shall never disallow them; indeed, the whole discretionary power of Parliament to supervise subordinate legislation will be taken away. Are we to abdicate our duty simply because a subordinate legislating body has not done its job properly? That is a question members must ask themselves. If we are to do our duty we must examine those regulations, and if they do not meet the requirements of this legislature they should be disallowed. It is all very well for members to say what the board will do in future; this matter has been coming before the House ever since I came here six years ago, and it is obvious that the members of the Taxicab Board have heard some indication of the views of members about the very regulations we are seeking to disallow.

Mr. Shannon—You are not suggesting that the board has had six years?

Mr. DUNSTAN—No, but that over that period ample expression has been given of the view held by this House, yet the board has not taken any action. There was plenty of expression of opinion before the board was appointed two years ago. Nobody can place any reliance on a promise that the board will do its job better in future because of the views expressed here. I think it was completely lacking in its duty in not preparing regulations to cover those that members have taken objection to so that they could be brought into force the day after disallowance of existing regulations by this House. There was nothing to stop it; so where is the chaos that will arise in this industry if the board does its

job? There isn't any! That is a completely specious argument and it is not worth dealing with further.

Another matter raised in this House was that there is not really much wrong with the industry at the moment because most of these regulations are all right. The most serious of the allegations made against the taxi industry, which resulted in the setting up of the inquiry into the industry in South Australia, are still objections which can be raised and they were raised by the Leader of the Opposition. A further objection was that the board is seeking to usurp the functions of the Industrial Court in relation to an award the court has made. I am amazed that members opposite who on other occasions are so vociferous about giving the right to the Industrial Court to put into force and effect what it determines should now say, "Well, it is unfortunate, but, of course, the Industrial Court doesn't know its job on this occasion and has not made an award that the industry finds acceptable." The employers, through the board, can threaten the employees in the industry and say, "Unless you are prepared to agree with us we will frame regulations to get around the provisions of the Industrial Court." That is an amazing situation which apparently members opposite are prepared to uphold.

We all know what happened under the Adelaide City Council by-laws. Leasing was prohibited, but what happened? Yellow Cabs initiated a form of agreement which was approved by the Adelaide City Council Taxi Committee, the chairman of which was none other than the present chairman of the Taxi Board, Mr. Bonnin. Members will recall the speech with which the member for Mitcham (Mr. Millhouse) favoured us in a previous debate on the taxicab industry in which he was provided with a brief by Mr. Bonnin on the subject of leasing. Mr. Bonnin said, "We have allowed partnerships, which is not leasing at all." They were not partnerships in law, as any lawyer would know, because they did not provide for a joint enterprise in gain and loss. They provided for a hiring and for an agreement for paying certain charges to taxi companies which did not engage in the risks of the enterprise.

Mr. O'Halloran—The secretary of the company admitted that they were a subterfuge.

Mr. DUNSTAN—Of course he did. He was being honest. They were a subterfuge, as anyone reading them would know. Mr. Bonnin must have known that, too. This system was allowed by the Adelaide City Council Taxicab Committee. It was specifically approved by it and under this regime the companies and some individuals who proceeded to form themselves into companies holding licences then said to their drivers, "You provide the cab. You can have one of our licences in return for paying us charges for the services we see fit to render you. You cannot take a licence and go elsewhere for service. We will force you to accept such services as we see fit to provide if you want your licence. If you do not take our service you do not get your licence." I will say this for the Adelaide City Council Taxicab Committee, that when the companies proceeded arbitrarily to dissolve so-called partnerships upon this basis the committee insisted that the licences be not re-issued, either to the company or to any driver in collaboration, without the approval of the assignment by the driver whose agreement had been terminated by the company. This afforded some sort of protection to the driver for a period, but it did not get round the effective leasing of licences by people who were not involved in directly giving a service to the public and who had no direct interest in the taxicabs themselves. That is the situation the board was designed to meet. It was specifically provided that the board should not allow leasing of licences without special reason which they had to report to the Minister.

Mr. Jennings—That was the reason for the legislation.

Mr. DUNSTAN—Yes, and yet we find that, despite all the utterances of members opposite about the good job done by this board, the board has done nothing about the leasing of licences or about the abuses members have complained of year after year. Let me cite the situation, for instance, in the Silver Top Company. This is called a company, but it is a one-man company owned by Mr. Mehaffey, who has 14 white plate licences which he leases out to drivers in return for a charge of £6 10s. a week. What do those drivers get for that charge? They get some radio service and some switch calls. Most of the direct line telephones do not seem to work and they cannot get in touch with the switchboard on them. Mr. Mehaffey employs four switchboard operators, some of whom have green plate licences. These switchboard operators have a good system. They operate an after hours service on green plate suburban licences when off the board. They also operate an after hours petrol service. A person can go out to the Silver Top garage in North Adelaide and get

petrol if he pays a 2s. opening fee to the switchboard attendant who is operating the board for white plate licensees. The taxi board allows this situation. It went on under the council's committee and it is still going on. The board has had years in which to do something about this. It has gone on for nearly seven years and yet members say, "Oh well, let it go on for a bit longer because Mr. Bonnin and his board, although they have not done anything about it in the past, are certain to do something about it in the future." What reliance could we place on such undertakings?

Mr. Hambour—Do you say the board has not done anything in the past?

Mr. DUNSTAN—Can the honourable member tell me anything it has done about this situation at Silver Tops?

Mr. Quirke—I thought it was going to make a statement on that.

Mr. DUNSTAN—It has not done that. It is time members got tired of being assured that something would happen about this situation: something, but nobody knows what.

Mr. O'Halloran—Or when.

Mr. DUNSTAN—Yes. Until I can see some indications that the board is going to do something I am not prepared to allow regulations to continue which do not carry out the intentions of this Legislature in relation to the leasing of licences. Why is somebody who is himself giving no direct benefit to the public allowed to have a series of licences to batten on the men who are operating this industry and have to put the capital into it? Why should we have people who are, in effect, leeches sucking the blood of the men operating this industry? Until that situation ends we shall not get any sort of successful operation of this industry. None of the points that I and other members on this side of the House have brought forward has been answered by members opposite, and the suggestion that we have to be careful about disallowing these regulations or that the board will do something in the future can cut little ice in view of the position with which we are faced after years of debate on this matter.

Mr. Hambour—Don't you attach any importance to the Crown Solicitor's opinion?

Mr. DUNSTAN—That counts for no more than that if the regulations are disallowed there will be no regulations until the board does something about drafting new ones, but what is the board for? This motion has been on the Notice Paper for months, yet the board has done nothing to prepare for the eventuality of the regulations being disallowed.

Mr. Quirke—What was the position before the regulations were made?

Mr. DUNSTAN—Until the Act was proclaimed the City Council by-laws were still operating, and they have been abrogated by the proclamation. It is true that there would be nothing left, if the regulations were disallowed, until new ones were made, but there are only three or four regulations that would have to be altered, and the board could alter them within a day, and then there would be new regulations.

Mr. Millhouse—Do you think that within 24 hours the board could work out what members of this House want?

Mr. DUNSTAN—If it cannot I think it is incompetent.

Mr. Quirke—Has it given any indication that it is working it out?

Mr. Hambour—Yes, and that was stated in the evidence.

Mr. DUNSTAN—The board has had ample opportunity to get the views of members of this House. All the objections have been amply canvassed during this debate, so that if the board has not made any provision for the disallowance of the regulations it is not doing its job. It is certainly not difficult for it to make provision for the cancellation of the leasing situation. Of course, the point is that it does not want to do it: it wants to perpetuate the leases. If it does not, why has that been allowed to go on under the regulations that prevent that? Mr. Bonnin, and the other members of the board, knew all about the situation long before the Act was passed. In these circumstances it is up to the House to do its job. If members opposite do not believe in leasing they should vote for the motion, and if they do they should be honest enough to get up and say so and not hide behind a vote which says, "We know it is going on, but we hope something will be done about it." I think the board has no intention, judging from past performances, of doing something about it. I ask members opposite to support the motion, which is the only one that can give effective expression to the views of the House as expressed originally in the legislation.

Mr. O'HALLORAN (Leader of the Opposition)—I shall not delay the House long, for members opposite have given me little which needs a reply. When I moved the motion on August 27 I made three specific complaints

about matters which were permitted under the regulations, but which should not have been permitted. The board's first duty was to take steps to see that the abuses which led Parliament to pass the Act were discontinued. Some specious arguments have been put forward in opposing the motion. The Premier said that I admitted that the bulk of the regulations were good. I interjected that at least 80 per cent of them were good, and on that he proceeded to attempt to build a case to defeat the motion. I believe 95 per cent of the regulations could be good, but the other five per cent could nullify the intention of Parliament when it passed the Act. When dealing with regulations made by subordinate authorities Parliament can only disallow them entirely or allow them. Parliament has a fundamental duty to protect its own rights and disallow these regulations because it cannot amend them so as to make them conform to the wishes of Parliament.

The member for Light (Mr. Hambour) spoke of the legal position and the chaos that would be created if they were disallowed, but his points were effectively dealt with by the member for Norwood. All members who have been opposed to the motion have held up their hands in pious horror at the thought of interfering with the board's administration at this early stage. They said, in effect, "Give the board time and it will correct all these anomalies." I believe some of these anomalies are such that there should be a law to give the people responsible for them time in another place, yet some responsible members of Parliament say they should be permitted to continue. The board knew why the Act was passed. As regards the issue of licence plates, it was passed to do two major things—to provide one form of taxi service for the metropolitan area, and to stop trafficking in licences, but the board has failed in these two important matters. I admit that the method of control is slightly better, for we have not the multiplicity of control under a number of councils, but we still have two types of licence. The lucrative type of licence is confined in the main to people who do not own taxicabs and are able to farm out licences to unfortunate taxicab owners under onerous conditions.

Some members say, "Give the board the opportunity and it will deal with that matter." Some suggested it would submit a report to Parliament on this matter, though not the report it is supposed to make and which the Minister is supposed to lay before Parliament. Notice of this motion was given early in the session, and many members have spoken on it. If the board intended to deal with these evils it could have drafted new regulations, but there has been no suggestion that it will do so. I believe the board and the Minister have been remiss in respect of section 33 (4) of the Act, which concerns licences. It states:—

If—

(*a*) a taxicab licence is issued in respect of a taxicab which is not owned by the licensee; or

(*b*) a taxicab licence is transferred to a person who is not the owner of the taxicab; or

(*c*) consent is given by the board to the leasing of a taxicab licence,

the board shall forthwith report to the Minister that it has issued the licence or, as the case may be, consented to the transfer or lease, and shall in the report state its reasons for issuing the licence or giving the consent as aforesaid and state what steps are being taken by it to insure that there shall not be trafficking in licences to the detriment of licensees and the public. Every such report shall be laid before Parliament by the Minister.

I do not know whether any report has been made to the Minister, but certainly no report has been laid before Parliament, yet that provision was inserted in the Act as a safeguard. We realize there had to be a certain amount of latitude allowed to the board, but the board should only be permitted to allow leasing under the keen oversight of Parliament. It is time Parliament accepted its responsibility instead of allowing a subordinate authority to abrogate it.

The House divided on the motion:—

Ayes (13).—Messrs. Bywaters, John Clark, Corcoran, Dunstan, Jennings, Lawn, Loveday, O'Halloran (teller), Quirke, Ralston, Stephens, Frank Walsh and Fred Walsh.

Noes (14).—Messrs. Geoffrey Clarke, Dunnage, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Millhouse, Pattinson, and Pearson, Sir Thomas Playford (teller), and Mr. Shannon.

Pairs.—Ayes—Messrs. Tapping, Davis, Hutchens, Hughes and Riches. Noes—Hon. Sir Malcolm McIntosh, Messrs, Brookman, Goldney, Bockelberg and Coumbe.

Majority of one for the Noes.

Motion thus negatived.

NARACOORTE CORPORATION BY-LAW: HEIGHT OF FENCES, ETC.

Adjourned debate on the motion of Mr. Millhouse—

That by-law No. 31 of the corporation of the town of Naracoorte, to regulate the height of fences, hedges and hoardings within 20ft. of intersections, made on May 20, 1958, and

laid on the table of this House on August 12, 1958, be disallowed.

(Continued from August 27. Page 551.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Following on inquiries by the Joint Committee on Subordinate Legislation, we have on the Notice Paper a number of motions seeking the disallowance of by-laws made by local government authorities. In all cases they deal with administrative rather than statutory control. Some of the matters have been dealt with fairly extensively by the Legislative Council, where the debate brought out clearly that it is impossible to have by-laws without the local government authorities concerned having some discretion in the matter of administration. This problem arises in practically every sphere of activity. There cannot be a set of by-laws or regulations that cannot be deviated from to some extent. In the circumstances, and as these matters have been closely examined, I think we should not interfere with the administration by local government authorities. The by-laws in question do not contain anything contrary to good policy, but the Joint Committee felt that there should not be the administrative discretion. I suggest that the motions for disallowance be not carried. In fact, I suggest to Mr. Millhouse that after the vote has been taken on this motion he move that Orders of the Day Nos. 3, 4, 5, 6, 7 and 8 regarding by-laws made by various corporations or district councils be read and discharged.

Motion negatived.

COUNCIL BY-LAWS: MOTIONS FOR DISALLOWANCE.

Mr. MILLHOUSE (Mitcham)—There appear on the Notice Paper under my name the following motions, comprising Orders of the Day Nos. 3 to 8:—

That By-law No. 27 of the District Council of Onkaparinga, prohibiting the construction of buildings of certain kinds within the district, made on April 28, 1958, and laid on the table of this House on August 19, 1958, be disallowed.

That By-law No. 31 of the District Council of Noarlunga, creating portion of the District Council District of Noarlunga an industrial area, made on June 17, 1958, and laid on the table of this House on July 22, 1958, be disallowed.

That By-law No. 41 of the District Council of Salisbury for fixing the building alignment in certain streets, made on October 28, 1957, and laid on the table of this House on July 22, 1958, be disallowed.

That By-law No. 31 of the Corporation of the City of Prospect for fixing the building line with reference to street alignment, made on August 19, 1957, and laid on the table of this House on June 17, 1958, be disallowed.

That By-law No. 40 of the Corporation of the Town of Murray Bridge for preventing the keeping of poultry so as to be a nuisance and injurious to health, made on July 22, 1957, and laid on the table of this House on June 17, 1958, be disallowed.

That By-law No. 42 of the District Council of Salisbury in respect of the keeping of poultry, made on October 28, 1957, and laid on the table of this House on June 17, 1958, be disallowed.

In view of the vote just taken on Order of the Day No. 2, and particularly in view of the Premier's remarks, I move that these Orders of the Day be read and discharged.

Orders of the Day 3 to 8 read and discharged.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works)—I move—

That this Bill be now read a second time.

It makes a number of amendments to the Local Government Act. The amendments made by the various clauses are of a disconnected nature and are of varying degrees of importance.

The amending Act of 1957 removed from the Act the provision limiting to £100 the allowance which can be made to the chairman of a district council. A consequential amendment should have been made to section 52 and clause 2 remedies this omission.

Clause 3 provides that a district council may appoint one of its members to be deputy-chairman. A number of district councils have adopted the practice of appointing a deputy-chairman but there is no statutory support for the practice. Clause 3 provides, as consequential upon the appointment of a deputy-chairman, that, if a deputy-chairman is appointed by a council, he is to preside at meetings of the council in the absence of the chairman. Under the clause a deputy-chairman will be appointed only if so desired by the council.

Section 228 provides that a municipal council may, in respect of any financial year, fix an amount, not exceeding 10s., which shall be the minimum rate payable in respect of any assessed property. District councils are given similar power by section 233a but the amount mentioned in that section is 5s. Clause 4 proposes to delete these limiting words in

each section leaving it for the council to decide, with respect to any financial year, what is to be the minimum rate for the area. In the case of properties the assessed value of which is very low, which is often the case with vacant land in country areas, the present limit for the minimum rate does not permit of a council recovering by way of rates the administrative cost of assessing the land, issuing rate notices and receipts. In the case of some land value councils, the rates recoverable from properties comprising dwellings or other buildings, are so low as to be insufficient to meet the costs of the various services provided to the ratepayers. By removing the limitations now provided in sections 228 and 233a it will be left to the council to fix the minimum rate suitable to the local circumstances. If a council so desires, it need not fix a minimum rate but, if a minimum rate is fixed, it must, under the sections, apply uniformly throughout the area.

In 1952, paragraph (j4) of subsection (1) of section 287 was enacted giving a council power to subscribe to such as local government associations and organizations formed for the development of any part of the State in which the area of the council is situated. It was provided that, in any financial year, the total of these contributions was not to exceed £50. It is considered that this amount is not now adequate and clause 5 proposes to increase the amount to £100.

Section 289a provides that all revenue derived by a council from such as the sale of timber is to be paid into a special fund and applied towards tree planting purposes. It has been pointed out that the necessity to establish a special fund means opening a separate banking account and creates some administrative problems. Clause 6 therefore amend section 289a by removing the necessity to establish a separate fund but preserves the obligation to expend on tree planting the revenue in question. Subsection (3) of the section now provides that, if at any time the money in the fund exceeds £300, the Minister may authorize the expenditure of the excess for other purposes. Clause 6 amends this to provide that if the revenue in any financial year exceeds £300, authority may be given for the expenditure of the excess.

Section 319 provides for the making of contributions by adjoining owners towards road-making costs. Subsection (9) of the section provided that when a roadway was widened the council could recover contributions from the adjoining owners. The 1957 Act deleted this subsection, there being some doubt whether subsection (11) limited the total of an owner's contribution to 10s. a foot. It is considered that subsection (9) should be re-instated and this is done by clause 7 which also amends subsection (11) to make it clear that an owner's total contributions for any purpose under section 319 are limited to 10s. a foot.

Section 352, which was first enacted in 1903, provides that if an owner of land contributes to the cost of making any roadway, footway, passage, lane, etc., he is to have a right to use the roadway, etc., which is to be appurtenant to his land. This section is open to serious objections. In the great majority of cases, the roadway, etc., is a public highway over which the public, including the owner of the land in question, have rights of access and it is quite unnecessary to provide for any special rights as is done by the section. In the few cases where the roadway, etc., is not a public highway, the owner is given statutory rights which are not indorsed upon any certificate of title and intending purchasers of land affected by the rights have no means, short of a search of all appropriate council records, of ascertaining whether any rights exist. Even this is not sufficient, as the contributions may have been made to the owner of the land on which the roadway is situated.

It is considered that, not only does section 352 serve no good purpose, but it can have mischievous effects as it is virtually impossible to ascertain with certainty whether any particular land is affected by rights given by the section. It is therefore proposed by clause 8 to repeal the section. However, it is considered that any existing rights under the section should be preserved subject to their being registered on the appropriate certificate of title. Clause 8 therefore provides that an owner of land claiming a right under section 352 is to make an application to the Registrar-General for the registration of his right. This application is to be made within 12 months after the passing of the Bill, and after that time any right not registered will cease to have effect.

On receipt of an application, the Registrar-General is to give notice to persons affected and is to give further notice of his decision in the matter. From that decision there will be a right of appeal to the Supreme Court. It is provided that, if the roadway, etc., is a public highway, the right is not to be registered but in other cases, where the right is established, it is to be registered by the Registrar-General. This amendment is strongly supported by the Registrar-General.

Section 528 and following sections provide that a council may require buildings within its area or any part of the area to be provided with septic tanks. Clause 9 provides that the council, with the approval of the Central Board of Health, may require the septic tanks to be "all purpose" tanks, that is, tanks capable of dealing with sullage and waste water in addition to sewerage. At one time it was considered that a septic tank would not function if sullage or waste water was directed into it but it has been found that these "all purpose" tanks are equally as efficient as those limited to sewerage.

Various provisions of the Act provide that a member of a council is not to vote or take part in any debate on a matter in which he is interested. The question was recently raised whether a councillor who was a member of, say, a local fire-fighting organization or similar body, could vote on a proposal before the council to subsidize the organization. Obviously, the existing provisions are intended to provide that a councillor will not take part in proceedings before the council from which he can profit personally and it was never intended that these provisions should apply to such as the cases mentioned. Clause 10 therefore provides that a councillor shall not be deemed to be "interested" in a transaction between the council and a non-profit making organization of which the councillor is a member.

Section 779 provides a penalty not exceeding £20 for the offence of destroying or damaging property of the council such as streets, bridges, trees, street signs and the like. Clause 11 increases this maximum penalty to £50 as it is considered that the present maximum is inadequate to deal with the vandals who wantonly damage public property of this kind. Section 783 makes it an offence to dump rubbish of various kinds upon streets and other public places. Clause 12 extends the articles to which the section applies to include debris, waste and refuse. The dumping of rubbish on roadsides is prevalent and it is considered that, in order to deal adequately with this offence, the existing maximum penalty should be increased from £20 to £40. In addition Clause 12 increases from £5 to £20 the maximum penalty under subsection (2) for permitting rubbish to fall from a vehicle onto a road.

Clause 13 increases from £10 to £50 the maximum penalty under section 784 for the offence of wilfully or maliciously damaging or removing a fence or gate erected under section 375 across a road subject to lease or under section 376 as an extension of a vermin-proof fence. Until the amending Act of 1957, an application for a postal vote had to be witnessed by an authorized witness but that Act altered the law to provide that the witness was to be a ratepayer of the area. The result is that, if a ratepayer is in another part of the State, he must secure a ratepayer for the particular area to witness his application and in many cases this would be either impossible or very difficult, although, if he is outside the State, his application can be witnessed by an authorized witness. This result was probably not intended when the Act was amended in 1957 and Clause 14 therefore provides that, as regards a ratepayer making an application for a postal vote within the State, his application may be witnessed either by a ratepayer of the area or an authorized witness. Clause 15 merely corrects a drafting error in section 27 of the amending Act of 1957.

Mr. FRANK WALSH secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

In Committee.

(Continued from November 4. Page 1547.)

New clause 2a—"Liability of employers to workmen for injuries."

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Since this new clause was moved, I have had an opportunity to examine its implications. I hesitated to make any pronouncement when the Leader stated his case fully, but it appeared to be something that had been debated here previously, and been rejected by the Government and this House. Some years ago, to put workmen's compensation on a proper basis, the Government appointed a committee consisting of a representative of employers and a representative of employees with a Government-appointed chairman, to advise from time to time what alterations, additions or subtractions should be made in relation to this legislation, and I still think that is the correct procedure. I hoped this method of dealing with the matter would be found reasonably consistent and workable and give satisfaction to all parties, thereby avoiding lengthy debates on the matter in this House. The committee was appointed, it has worked beneficially, and I believe many benefits have been obtained by employees as a result. The Government has accepted its recommendation without hesitation or alteration. To show how ready its acceptance has been, I shall read the report

of the chairman to the Government on this matter. His minute to the Attorney-General, dated October 21, stated:—

The Workmen's Compensation Committee has arrived at the following decisions as to the recommendations to be made for amendment to the Workmen's Compensation Act:—

(*a*) That the maximum weekly payment rate for compensation for workmen with dependants be increased from £12 16s. to £13 10s.;

(*b*) That the maximum weekly payment to workmen without dependants be increased from £8 15s. to £9 5s.;

(*c*) That the maximum total payment for incapacity be increased from £2,600 to £2,750;

(*d*) That the maximum payment on death be increased from £2,250 to £2,500, and the minimum from £500 to £800;

(*e*) That the funeral allowances in the cases where there are no dependants be increased from £60 to £70;

(*f*) That the provisions giving the right to compensation for medical and hospital expenses should be re-drafted so as to remove all mention of limits of amount, and provide that the worker is entitled to medical expenses on a reasonable scale for any medical or hospital treatment necessary as a result of the accident;

(*g*) That regulations should be made fixing the maximum charges for medical and hospital treatment rendered to workers as a result of accidents compensationable under the Act; and

(*h*) That the employers should be entitled to pay the medical expenses direct to the hospital or medical practitioner which rendered a service.

The above alterations of the amounts are conservative, and are justified by comparison with rates in other States. A fuller report will be submitted, but I would like the Government's approval for the inclusion of the above provisions in a Bill.

Without having anything but the bare recommendations of the chairman the Government immediately authorized a Bill to be proceeded with so that the matter could be dealt with this session. The Opposition accepts the proposals of the committee, but the Leader has suggested the addition of new clause 2a, which I oppose on three principal grounds. The first is that it is not a recommendation of the committee. If we accept it we will immediately come up against the employers' representative on the committee, who will say, "I have already made certain concessions that I would not have made if I had known the matter was to go further." When the report came to hand I noticed that he agreed to these changes subject to certain conditions, namely, regulations setting out fair charges for medical expenses. If the committee had not been unanimous in its recommendations the Government would not have incorporated them in a Bill. This new clause alters the recommendations upon which this Bill was founded: recommendations accepted by the House. If we accept it it is tantamount to saying "In future we do not want recommendations from the committee; we will decide things off our own bat." If we are not going to accept the committee's recommendations the sooner it is disbanded the better. I point out that if the Government said, "These recommendations go a bit too far; we will subtract a little from them," members opposite would immediately say, "That is not fair to the workmen."

Mr. Jennings—Aren't we entitled to say what we think?

The Hon. Sir THOMAS PLAYFORD—I am not suggesting that we cannot amend the Bill, but if we refuse to accept the committee's recommendations the sooner we disband it the better.

Mr. Fred Walsh—We have accepted the recommendations, but we are adding to them.

The Hon. Sir THOMAS PLAYFORD—By so doing we completely alter the basis of compensation. My second objection to this new clause is that it would make an employer responsible during a period when he has no control whatsoever over his employees, and that is wrong. It is abhorrent to British justice. I know that other State Governments have done it, on direction from outside, but that does not make it right.

Mr. Fred Walsh—Do you mean that the other States do not subscribe to British justice?

The Hon. Sir THOMAS PLAYFORD—Other State Governments have been directed to do certain things, but I will never support legislation which makes a man responsible for something he cannot control.

Mr. Lawn—Not even if the committee recommends it?

The Hon. Sir THOMAS PLAYFORD—Not even if the committee recommended it. If the committee made this sort of recommendation I would say it was time it was disbanded. My third objection to the new clause is that no one would ever be able to interpret it. Can any member tell me what "a substantial interruption" or "a substantial deviation" is?

Mr. O'Halloran—That would be determined by the court.

The Hon. Sir THOMAS PLAYFORD—No one would know what those words meant. If an employee on his way home stopped and went

into a hotel for a drink would that be an interruption of his journey?

Mr. O'Halloran—Yes.

The Hon. Sir THOMAS PLAYFORD—I do not believe it would. I believe it would be the natural thing. If the amendment means that a workman going home cannot have a drink few people would qualify under it. By the same token I think the Leader is justified in his opinion, because there is no legal meaning whatever that could be given to these words, which would be the subject of argument in every case that arose. No member can tell me the circumstances under which a court would accept it as a substantial deviation.

Mr. Lawn—There have been court decisions in New South Wales.

The Hon. Sir THOMAS PLAYFORD—Members know that this problem has arisen in the States where this provision has operated. It would be the subject of confusion and each court could hold differently in similar cases. The Leader may say that he copied the wording of the new clause from another Act, but I have had reports on other legislation and know that as a result of it insurance companies are charging premiums on the worst possible assumption—namely, that every accident that occurs anywhere is liable to necessitate compensation.

Mr. O'HALLORAN—There are two or three matters I desire to place in proper perspective before the Committee. The first is the advisability of having this Workmen's Compensation Advisory Committee. I point out that this committee was not suggested by the Opposition or by any section of the Parliamentary Labor Party. We had no hand, act or part in its appointment. It was suggested by the Premier to the Trades and Labor Council, which agreed to participate in the committee's activities. It was also suggested to a responsible body of employers, which also agreed. When I was appointed Leader of the Opposition I made it abundantly clear that I believed the Parliamentary Labor Party was not bound by decisions that the Trades and Labor Council representative on the committee agreed to: we reserved the right to give effect to the policy we had submitted to the people at the previous election. I do not deny that the committee has, through the Government, brought about some improvements in workmen's compensation conditions, but those improvements were so obviously necessary that without the committee the Government would have given effect to them. The Premier, in his second reading speech, went to great pains to prove that the figures in the Bill are conservative. He admitted we had not reached the Australian standard or done what we should do in order to give South Australian workers the same justice that others get.

The Premier's second point was that he would never be a party to compelling a man to accept responsibility for something over which he had no control. He said that would be fundamentally unsound and contrary to British justice, but surely the Bolte Government had some regard for British justice. It has been in power for more than three years, but has not taken the provision out of the Victorian Act. The Menzies Government has been in power since 1949, but it has not taken this provision out of the Commonwealth Act. The Nicklin Government has been in power in Queensland for 18 months, but it has not taken out of an Act this provision that was inserted by the Labor Party there. The Premier said the amendment would have a grave impact on workmen's compensation insurance premiums, but the premiums in Queensland are the lowest in Australia. The Queensland Government Insurance Office transacts workmen's compensation insurance for the Government, and it has been a money-spinner for the Treasury. Section 4 (2) (*b*) deals with the liability of employers and states, *inter alia*:—

> An accident shall be deemed to arise out of and in the course of the employment of a workman if it occurs on a journey taken by the workman during ordinary working hours between his place of employment and a trade, technical or other training school which he is required by law to attend, or which he attends at the request of the employer.

The very principle that I want to establish under my amendment has been established there, and it was inserted in the Act in 1953 by this Government. The amendment is so just that I cannot understand any opposition to it. The Premier's third point concerned the interpretation of the amendment, but if members examine the Statutes they will find a number of provisions which are difficult to understand. They have to be obscure because we cannot dot every "i" and cross every "t" in an Act of Parliament. We should have no fear about the interpretation of the amendment because most employers are reasonable and there would be few arguments, but any argument could be settled by a reference to the court's decisions in other States.

Mr. FRED WALSH—I was disappointed with the Premier's remarks. The committee which has been established under the Act is only an advisory committee. We are not committed to accepting its recommendations, though we should give due consideration to them, but the Premier said that because it was set up by the Government with a Government chairman we must accept its recommendations. If that is so we must accept all the recommendations made by various committees appointed from time to time, but I do not agree with that view. The Premier said we should accept the committee's recommendations because they represent the views of the employers' and employees' representatives, but he did not accept the views of employers' and employees' representatives last year on long service leave. The Premier said he would not bind an employer for something over which he had no control, but what control has he over an employee when riding in transport provided by him, when the employee may be involved in an accident?

Mr. Jennings—Or what control has an employer over an accident occurring in the course of employment?

Mr. FRED WALSH—None at all. Some of the Premier's arguments were ridiculous. The amendment has not been given proper consideration. Is the Premier an authority on British justice? Justice should be based on human rights, and surely workmen's compensation is a matter concerning human rights.

Mr. LAWN—The Premier's remarks would impress no-one except any member over whom he can exercise control. Order of the Day No. 2 was called on before this Bill was debated this afternoon. It concerned a motion moved by the member for Mitcham on behalf of a committee appointed by Parliament to investigate council by-laws, which are subject to the approval of Parliament. The committee submitted motions for the disallowance of by-laws, but the Premier asked the House to reject them. That committee was appointed by Parliament, yet he now asks members to oppose the present amendment in order to support a recommendation from a committee not appointed by Parliament. I do not recognize the Workmen's Compensation Committee. I was elected to this place by electors in the district of Adelaide and at each election I tell them that to the best of my ability I shall carry out the Australian Labor Party policy, and that Party does not recognize that committee as being an advisory committee. The Premier's remarks today are its deathknell. I believe that next year South Australia will have a Labor Government, which will abolish the committee, and if the present Government is returned the Premier will not support its recommendations.

The Premier's masters, members of the Chamber of Manufactures, were at Parliament House this morning telling him how to deal with the present amendment. At the last elections the Labor Party said that if returned it would immediately move for the adoption of the proposal embodied in the amendment. Today the Premier said that yesterday because the Opposition put up a good case in support of the amendment he hesitated to deal with it then. In the second reading debate Mr. Coumbe said he would speak to the amendment when it was discussed in Committee, but after Mr. O'Halloran, Mr. Fred Walsh, Mr. Bywaters and I had spoken to it not one member of the Government side, including Mr. Coumbe, could deny the merits of the Opposition's case. The argument was 100 per cent in favour of the amendment. The atmosphere yesterday was suitable for the taking of a vote. That is why the Premier said the Opposition put up a good case. Today the Premier said that the advisory committee was appointed by Parliament and that we had to accept its recommendations, but it was appointed by the Government without consulting Parliament, although it did consult employees through the Trades and Labor Council and employers through the Chamber of Manufactures. The Government may accept the recommendations of the advisory committee, but Parliament is not obliged to accept them. If the Labor Party occupies the Treasury Benches next year and if it is decided to continue with the committee—

Mr. Hambour—You said your Party would abolish it.

Mr. LAWN—At any rate we would not appoint the chairman of the advisory committee, because he does not agree to the proposal embodied in the amendment.

Mr. Hambour—How do you know that?

Mr. LAWN—The matter has been before the committee every year since its appointment and the chairman has always said he will not agree to such a coverage, and that if the employee wants to be covered in this way he must insure himself. If a Labor Government continued with the advisory committee next year it would appoint another chairman.

Mr. Hambour—To do what you told him.

Mr. LAWN—I am answering the Premier's claim that the recommendations of the advisory committee should be accepted. What would be the position if a Labor Government did appoint a chairman who, without any direction from the Government, acceded to requests by representatives of the Trades Union movement? One of its requests would be that on the death of a workman his widow should receive the amount it was estimated he would have earned if he had worked until 65 years of age.

Mr. Shannon—What has that to do with the amendment?

Mr. LAWN—The Premier said that Parliament must accept the recommendations of the advisory committee, but next year if the committee recommended such an alteration to the law, and Labor were in power, would Sir Thomas, who would then be Leader of the Opposition, if his followers appointed him to the position, support the recommendation, and thus follow out what he said today? Earlier I referred to his bosses coming down to Parliament House. Following on the adjournment of the debate on the amendment yesterday, and the mention of it in the press this morning, representatives of the Chamber of Manufactures were at Parliament House this morning before I arrived, and I got here at 9 o'clock. Why did they come? They came to lobby against the amendment. Yesterday progress was reported though no objection to the amendment had been voiced by Government members.

Mr. Coumbe—What proof have you of your statement about the Chamber of Manufactures?

Mr. Hambour—It is not true.

Mr. LAWN—Let the press print my statement.

Mr. Shannon—They will.

Mr. LAWN—No they won't. I would welcome the press publishing it and also the reply of the Chamber of Manufactures. Then the public could judge the matter. The Premier said he would give three reasons why the amendment should be rejected. He said first that the matter was not covered by a recommendation of the advisory committee. He also said that the employers' representative on the committee had agreed to concessions which did not include the matter mentioned in the amendment. What is this committee? Does the Premier expect representatives of employers and employees to come here and barter on this matter? Evidently the Premier is not experienced in industrial matters or industrial law. When wages and conditions of employment are discussed in conference between representatives of employers and employees, bartering takes place, and where agreement is not reached the adjudicator gives a decision, but surely the Premier does not expect workmen's compensation to be a matter for bartering.

Mr. Jenkins—It is one-way traffic—payment by the employer all the time.

Mr. LAWN—Every law should be just to all citizens, and we should have this in mind when deciding how to vote on any matter. We should have regard for the principle of human rights mentioned by the member for West Torrens (Mr. Fred Walsh). The Premier's second reason why this amendment should be defeated was that the employer should not be responsible for a period when he has no control over an employee, which was abhorrent to British justice and which he would never accept. That means that, even if the committee recommended this provision, he would not accept it. The implication of his remarks is that the Liberal Governments of Victoria, Queensland and the Commonwealth and the Labor Government of New South Wales are not dispensing justice. Though I have much against the Prime Minister politically, he has seen fit to carry on the Workmen's Compensation Act, and if anything has improved it, and I would not say he is not dispensing justice in that regard. Employers now say they are not responsible for some accidents because their instructions are disregarded, or the employees are doing things they do not know about.

Mr. Geoffrey Clarke—An employer is responsible for the conditions under which they work, isn't he?

Mr. LAWN—Yes. For instance, particles sometimes shoot off emery wheels and cloth polishers and lodge in the eyes of workmen. Unless removed immediately they can cause serious injury and loss of time. Some employers have instructed their men to wear glasses, but these instructions have been disregarded because the lenses are made of plain glass and are most objectionable to wear, but although the workman disregards instructions, he is entitled to compensation because injury occurs when he is under the control of his employer. In some factories men are expected to wear gauntlets that are so large and clumsy that it is difficult to handle the materials they are working on. A certain amount of efficiency is required and these gaunlets must be discarded if the men are to keep up to the time schedule

set, although by doing so they subject themselves to cut hands and infected fingers. Doesn't that come into the category described by the Premier—that the employer should not be asked to pay compensation for something over which he has no control? This morning I was crossing from Parliament House to the Gresham Hotel with the green light, and a lady was walking about a yard behind me. When in the centre of the road, a David Murray truck turned from King William Road into North Terrace and proceeded against the red light. The law provides that the driver of this truck can only proceed against the red light at his own risk. The vehicle missed me by about 2in. The effect of what the Premier said is that in such matters the employee should not be covered by compensation, but David Murray's would have been liable for damages if that truck had hit me.

Mr. Geoffrey Clarke—But isn't this covered by comprehensive and third party insurance that protects pedestrians?

Mr. LAWN—It may be, but the Premier said an employer should not be responsible for the action of his employee when not under his control, and this applies in many other instances. David Murray's pay insurance on that vehicle, and no doubt the employee has been instructed to observe the law, but he disregarded it this morning. According to the Premier, David Murray's or any employer would be entitled to ask this Parliament to exempt it from the obligation of taking out an insurance policy for such incidents where the employee is not under their control.

Mr. Geoffrey Clarke—They have a remedy against a man if he is negligent in the course of his work. They can dismiss him for that, but they cannot dismiss him if he is negligent walking home.

Mr. LAWN—The honourable member shows his ignorance of industrial affairs in stating that an employer cannot dismiss the employee.

Mr. Geoffrey Clarke—I did not say that.

Mr. LAWN—There are judgments of the courts that an employer can dismiss a workman for any reason, or without giving a reason.

Mr. Geoffrey Clarke—That is what I said, but they cannot dismiss an employee for being negligent on the way home.

Mr. LAWN—Workmen have been dismissed while home and in receipt of workmen's compensation or on sick leave, and the employer is not obliged to give a reason.

Mr. Geoffrey Clarke—But an employer does not dismiss for negligence on the way home. That has nothing to do with employment.

Mr. LAWN—Employers dismiss for many unknown reasons. They just say "I put him off, and I will not give a reason."

Mr. Geoffrey Clarke—An employer can dismiss a man if he is redundant, but not for being negligent on the way home. He cannot give that as a reason.

Mr. LAWN—If an employer thought his workmen were abusing this provision he would dismiss them. An employer can put a man off, if he gives the required period of notice, without stipulating his reasons. Yesterday I referred to an aircraft factory at Finsbury. It is privately owned and the employees are working on aircraft for the Department of Aircraft Production—a Commonwealth department—but are subject to South Australian laws and the employer is not obliged to provide compensation covering their journeys to and from work. However, inspectors employed in the same factory are employees of the Department of Aircraft Production and are covered. We see no just reason why they should be covered when the company's employees are not.

I ask the Committee to consider this matter on its merits and not on the basis of whether it is a recommendation from a Government-appointed committee. The Premier said it would be impossible to interpret the new clause, but I point out that it is taken from the New South Wales Act and the Premier's remark is a reflection on the judges of the New South Wales court who have interpreted it. There has been no outcry from New South Wales employers and insurance companies or any demand for its withdrawal. I appeal to the Committee to give our workmen justice. Employers would be required to pay only the insurance premiums for this cover. Let us consider some organizations that would be involved. General Motors-Holdens would be the largest private employer in South Australia and it has establishments in Victoria, Queensland, and New South Wales where it is obliged to pay these premiums. It has far more employees in Victoria than here.

Mr. Quirke—Its balance-sheet reveals a meagre profit!

Mr. LAWN—Government supporters have said that our employers could not afford these premiums. Employers in other States have not gone bankrupt.

Mr. Hambour—Of course not, because the public pays.

Mr. LAWN—Our public is paying, but our workmen are not covered. General Motors-Holdens could pay the slight increase in premiums required in South Australia.

Mr. Hambour—Slight increase!

Mr. LAWN—I said "slight," and I have obtained the amount of the premiums.

Mr. Hambour—Let us hear them.

Mr. LAWN—I have not got them with me because I had to give them back to the person who was kind enough to lend them to me.

Mr. Hambour—What are they roughly?

Mr. Geoffrey Clarke—Is there any secret about them?

Mr. LAWN—They were lent to me in confidence and I was asked to return them as quickly as possible.

Mr. Millhouse—Didn't you make a copy of them?

Mr. LAWN—Yes.

Mr. Millhouse—Let us have them.

Mr. LAWN—I do not think that would be fair. The member for Burnside says there is no secrecy about them. In view of that I expect him to give the particulars. If members opposite have them let them make them public. When an insurance company manager gave them to me he did so in strictest confidence and asked me not to make them public. If I make them available Government members will say I have no ethics.

Mr. Millhouse—Did you say it would be only a slight increase?

Mr. LAWN—General Motors-Holdens made a profit of £11,000,000 and intend to make £15,000,000 next year. It is suggested by the members for Mitcham, Light and Burnside that General-Motors Holdens could not afford to pay the increased premiums.

Mr. Hambour—I never said that.

Mr. LAWN—The three members objected when I said that General Motors-Holdens could pay the increased premiums without asking the public to pay more.

Mr. Hambour—I said they would pass it on to the public.

Mr. LAWN—Yes, and I said it could be paid out of profits without passing it on. Members opposite objected that the premium was so high employers could not pay it.

Mr. Millhouse—No!

Mr. LAWN—Chrysler, Pope and other firms with interstate establishments could afford the increased premium without increasing the prices of their articles.

Mr. Hambour—Tell us about price control?

Mr. LAWN—Price control does not apply to motor vehicles and I do not think it would apply to Pope's products. I do not think it affects manufacturers of clothing, although it affects retailers.

Mr. Jenkins—What has this to do with the amendment?

Mr. LAWN—I did not raise it. It was raised by the honourable member's colleagues. So far as I know, there is no price control on manufacture. No case has been advanced by the Premier to justify the rejection of this amendment. I shall be interested to hear the objections raised by employers' representatives on the other side. I support the amendment.

Mr. COUMBE—I strongly oppose this amendment. We all believe in the principle of workmen's compensation, but the sooner we throw this amendment out the better. Mr. Lawn spent almost half his time dealing with only one facet, the question of the advisory committee, and it was only in the dying stages of his remarks that he mentioned any aspects of the amendment. I took exception to his imputation that representatives of the Chamber of Manufactures came here canvassing. He said that yesterday several members of the Opposition spoke on this matter but that Government members did not speak. He said they waited until today and first thing this morning representatives of the Chamber of Manufactures came here telling them what they should say on this amendment. I take the strongest exception to his remarks. I did not see any member of the Chamber of Manufactures here. I understand that one did come down to see the member for Light, but on a matter totally different from this subject, and as far as I know not one member on this side of the House was approached by the Chamber on this matter. Mr. Lawn made a low attack on a body that has no right of reply.

Mr. Shannon—It was pure assumption on his part.

Mr. COUMBE—Yes. Two main points are involved in the amendment: its wording, and the responsibility of an employer for something over which he has no control. The whole basis of the Act is that when an employee is at work or under the control of his employer he is entitled to compensation if he suffers an injury, but the amendment is a departure from that principle. When an employee is at work the employer can exercise some control over his conduct. Further, the employer has to

adopt safety precautions, such as installing guards over dangerous parts of machinery, to reduce the risk of accident. If a workman is under the influence of liquor he is asked to leave in the interests of safety, but once an employee knocks off work his employer has no control over his conduct.

Mr. O'Halloran—Can you cite any difficulty on this matter under the Acts of other States?

Mr. COUMBE—Let me develop my argument. The employer has no control over his employee when he leaves the establishment.

Mr. O'Halloran—Unless he is an apprentice going to a trades school.

Mr. COUMBE—That matter is dealt with specifically by the Act. The apprentice is required by law to attend the school, partly in the employer's time, when he is under the control of the employer and gets paid for it. The same applies when an employee is travelling on behalf of his employer in transport provided by him, but when the employee knocks off he is free to do as he wishes. Let us suppose he does not go straight home. The Leader of the Opposition suggested he should be covered by the Act, but the employer would have no control over his conduct.

Mr. Lawn—Then the Acts of the other States are wrong?

Mr. COUMBE—I am dealing with the amendment before the Chair, and if we concentrate on it we may get somewhere.

Mr. Fred Walsh—Somewhere for you.

Mr. COUMBE—We have just listened to a frenzied diatribe from Mr. Lawn during which he said nothing. We heard nothing but abuse from him, so members opposite should be prepared to listen to what I have to say now. Mr. Lawn said that Liberal Governments in other States had made no attempt to alter provisions inserted by Labor Governments under considerable pressure, but he knows it is difficult to delete provisions once they have been inserted. There is nothing to stop a workman from going into an hotel and having a drink after he has knocked off. If he is involved in an accident later how are we to establish whether there was a substantial deviation or interruption in his journey? How are we to know whether the man went into an hotel? What is an interruption or a deviation, and what does "substantial" mean? "Substantial" is the key word, and how would the courts interpret it? This amendment will provide a feast for the legal profession.

A hotel domestic help and a waitress would be covered by an industrial award and when they finish work they might on the way home stop to purchase a few goods at a shop. Would that be a deviation or an interruption, and would it be slight or substantial? I think they would be covered by the amendment, but its wording is so weak that the matter could not be sustained in a court. I am also opposed to responsibility being placed on an employer for something over which he has no control. In the factory where the workman is under his control he should be covered 100 per cent under the Act, but once he leaves the employer's control he should not be covered by the Act. Members who have read reports of compensation cases in the last few years will remember the famous Slazenger case in New South Wales. It highlights the absurdity of the proposed provision. After finishing his day's work a workman travelling home by tram had a heart attack and died. Under the New South Wales Workmen's Compensation Act the company was held responsible for the death. The matter was heard by the Supreme Court and eventually it went to the Privy Council. The claim was upheld and Slazengers had to pay compensation for the man's death. It was said that the man had not been working for long at Slazengers, but according to law the court had no alternative and the company had to pay. It shows how an employer could be held responsible for something over which he had no control. I oppose the amendment.

Mr. JOHN CLARK—Mr. Fred Walsh said he was disappointed at the Premier's attitude on this amendment. I was disappointed, too, but not surprised. Yesterday some Opposition members thought the Premier would accept the amendment, but I did not think so and events today proved that I was correct. Mr. Coumbe referred to the famous Slazenger case in New South Wales, but under the Act in that State it is not necessary to prove that an injury was sustained whilst a workman was travelling to or from work. New South Wales has a different definition on the matter, and at present we have no desire to introduce it here. I have not seen a more sympathetic attitude towards a proposal than we saw in this place yesterday afternoon. I heard much favourable comment about the way the matter was argued by Opposition members. Last night I was told by both Government and Opposition members how interested members seem to be in the debate.

Mr. Bywaters—It was treated as a non-Party matter.

Mr. JOHN CLARK—Yes, but today the Committee has been sharply divided between employer and employee. We do not see it often in this place and primarily the responsibility belongs to the Premier, because wittingly or unwittingly he introduced the heat into the debate, whereas yesterday all members dealt with the matter differently. Members like to use the words "democracy," "truth," and "justice," and in the debate yesterday justice was canvassed. The Premier did not speak on this amendment then because he said he preferred to wait until he had considered its implications. He spoke about the effectiveness of the work of the Advisory Committee on Workmen's Compensation. In some directions it has worked effectively, but in others it has not. Today when Mr. Lawn was speaking he was asked by way of interjection what he thought of the representative of the Trades and Labor Council on the committee, but I do not think he heard it. Undoubtedly the work of that representative has been most effective and he has worked hard to liberalize workmen's compensation.

There is no reason why the Legislature should not make further improvements to the Act, and why Parliament should not oppose any recommendations made by the Government committee. We all believe in justice, and that is what the Opposition seeks in this matter. The Premier referred to three points. He said he did not like the amendment and could not accept it because it had not been recommended by the committee. Today several attitudes were adopted by the Premier in regard to committee recommendations. When motions for the disallowance of by-laws were brought forward by Mr. Millhouse, as the spokesman for the Joint Committee on Subordinate Legislation, the Premier said he could not support them. As a matter of fact, some of the matters I could not support myself. It is a non-Party committee and the Premier said he could not support its recommendations, but when the House discussed the proposed disallowance of regulations made by the Taxicab Control Board he asked members not to support the proposal. I do not say that the Premier was wrong, but it is proper that we should consider the circumstances associated with each committee and vote accordingly, and that is what the Premier did. If he is prepared to do that, he should not put forward excuses and virtually tell us that we are obliged to accept recommendations by the Advisory Committee and not include in the legislation matters not recommended by it. That does not carry any weight at all. The Premier suggested that, if we are not prepared to carry out the wishes of the committee, the quicker it is disbanded the better. Would he suggest that the same should apply to the Subordinate Legislation Committee? I am sure he would not, but we can be pardoned for inferring that what he said could apply to both committees.

The member for Torrens (Mr. Coumbe) made one or two very good points, but made the mistake of attempting to treat this matter with ridicule. We would never have brought it before the House if it could be treated with ridicule—we are sincere about it. We have had regard to the attitude of the other States on this matter. The famous Slazenger case could not be compared with any possibility that might arise from the amendment, as the New South Wales Act is different from it. Because the Premier has said that this is not quite right for South Australia, we shall be out of step with all the other States. Normally majority rules—it certainly does in this Parliament—but evidently not in relation to workmen's compensation. In New South Wales there is complete coverage for workmen travelling to and from work, and as exemplified in the Slazenger case, they have more than we are seeking by this amendment. In that State compensation is also payable for an accident while travelling to a doctor. Victoria and Queensland have the same provisions, but in Western Australia, although compensation is payable in respect of injuries, it is not payable when a man is travelling to and from work. Travelling to and from trade and technical schools is covered there, but it is also covered here. It is not the fault of the Western Australian Government that these provisions are not in the Act, but because the Upper House will not agree to them. For employees in Tasmania and in the Commonwealth service there is complete coverage. In every State except Western Australia and in the Commonwealth service this provision is in the Act.

We are sometimes asked why we refer to what is done in other States, but why shouldn't we? Why should we be out of step in this matter? The Premier said that this provision is in the Acts of other States because the Governments were directed by other interests, yet he suggested that because the employers

agreed to certain things in the Act we could not expect them to agree to something else. That is also outside interest. The Premier and the member for Torrens (Mr. Coumbe) spoke about the period of no control, and the Premier waxed eloquent about British justice—he even got hot under the collar about it. Mr. Coumbe was good enough to say that the whole principle of compensation is that workmen are certainly entitled to it when injured at work, but that the amendment is a departure from this principle. However, all other States depart from the principle he wants us to retain.

Mr. O'Halloran—I suppose he would say that the Legislative Council in Tasmania was directed by outside interests.

Mr. JOHN CLARK—I am afraid he could not successfully convince anyone about what he said. He said it is possibly easy enough to get legislation through, but that it is hard to get rid of it. I have not found it easy to get legislation through, but he belongs to the Government side, and possibly finds it easier. He was saying that Governments of other States were not game to get rid of legislation of this type once it had been passed, and strictly speaking I think he was right, because some of those Governments would not fancy some of the provisions and would like them removed. Despite this, however, a provision similar to this amendment is in the Acts of all other States but Western Australia. He also said that it would be difficult to interpret just what was meant by a "substantial interruption," but the courts in other States have been capable of doing so. He was afraid there might be some hidden or complicated meaning in the word "substantial," but there is not; even if there were, I am sure the courts are capable of dealing with such matters, especially as there are precedents in other States that would be a guide. The word means exactly what it says. It has been said that if a man went into a shop to buy a pound of fritz or a half pound of tomatoes, that would constitute a substantial interruption. It might, if the man drank half a bottle of wine while he was waiting.

Mr. Millhouse—What is "substantial interruption"?

Mr. JOHN CLARK—No one knows better than the honourable member that courts as a rule manage to come to a decision. I believe that the legal luminaries of South Australia are just as talented as those in the other States and would be capable of making a decision, and I do not think it would be difficult. Possibly more people in my constituency are concerned in this matter than in most districts. In this area thousands of workers travel to work from Gawler, Salisbury, North Salisbury and intermediate places, and the number will increase greatly. More than 1,000 people from Gawler travel daily to employment at the Long Range Weapons Establishment, Islington and other places. One example which struck me as an absurdity concerned two men, both employed in the Long Range Weapons area, who were involved in an accident when travelling home to Gawler in the same car. Each was severely injured. One was entitled to workmen's compensation because he was in Commonwealth employment, but the other was not because he was employed by a private concern. We are only seeking justice for workers in South Australia, the same as applies in the other States.

[*Sitting suspended from* 5.45 *to* 7.30 *p.m.*]

The Hon. Sir THOMAS PLAYFORD—There would be extreme difficulty in interpreting the meaning of the amendment. The Leader said that a stop at a hotel would be an interruption, but decisions on similar legislation in New South Wales disprove that. In the case of a person who visited a hotel and was intoxicated—

Mr. John Clark—He would have been there a substantial time.

The Hon. Sir THOMAS PLAYFORD—He was intoxicated when he went to the hotel. The court held that a visit to a hotel by an intoxicated person on his homeward journey was not a break reasonably incidental to the journey. The judgment stated:—

Normally a visit to a hotel for a short period on the homeward journey by a person not intoxicated might not be considered an interruption or deviation or break and, if so considered, would, as a general rule, be held to be reasonably incidental.

There are a number of volumes concerning cases under a provision of this nature that reveal how difficult it is to interpret. As to a person dismissed for drunkenness before the end of a shift, the court held:—

The protection of the Workers' Compensation Act extends to a dismissed worker, notwithstanding his dismissal, for the period of his journey from his place of employment to his home. Where the dismissal is on the ground of drunkenness and no special transport is provided by the employer, the protection lasts during a journey made by public or the worker's own transport unless some other disqualifying factor intervenes. The fact that dismissal takes place before the end of a shift or normal finishing time does not affect the protection provided the journey home is commenced promptly.

The following is the report of another case:—

Worker involved in fight with fellow employee outside employer's premises after leaving employment. Injury was sustained by M. in a fight with fellow employee H., outside the employer's premises and after M. had left his employment at the usual time on his way to his home. M. did not actively provoke or go out of his way to become engaged in the fight which happened as a result of an incident occurring earlier in the day during working hours. Both workers were then concerned, over a matter unconnected with the employment, in a scuffle which was stopped by the foreman and which had resulted in the dismissal of H. Compensation was claimed by M. for injury received on the daily or periodic journey to his home. The commission assumed for the purpose of deciding the case that interruption or break meant an interruption or break instituted by the worker, and held (1) that there was no substantial interruption or break in the worker's periodic journey; and (2) that the worker received injury without his own serious and wilful misconduct.

I do not consider that the amendment constitutes reasonable workmen's compensation. A number of queer decisions have been made in New South Wales in connection with this matter. In substantially copying the New South Wales legislation the Leader created other difficulties. He used the words "his place of abode" and the New South Wales courts have held that a camp in which men are working is not a place of abode, so that in a case where a man might reasonably expect compensation he is denied it. If the Highways Department established a camp for road workers in the country and a man was injured after work returning to that camp he would not be covered. On the other hand if he were travelling from Adelaide to commence work at the camp I think he would be. I do not believe we can reasonably hold an employer responsible for an incident or accident over which he has no control and which is outside his premises and not during a worker's time of employment. The amendment is aimed to cover an accident that happens when the worker is not, in point of fact, employed by the employer. It is just as reasonable to make honourable members or the public responsible for accidents or offences over which they have no control. That is contrary to the generally accepted principles upon which the law has been based. Some honourable members have claimed that this law is and has been in operation in some other States and has not been repealed. That is true, but it is well known how difficult it is to repeal an Act once it is in operation. Many Acts operate today in New South Wales that I know the Government there would like to repeal if it could, but, once it has become the accepted practice of the community, it is difficult for substantial alteration to be made in the law.

Mr. Corcoran—How do you know they desire to repeal it?

The Hon. Sir THOMAS PLAYFORD—I have been advised by Ministers of other States never to have anything to do with this provision, which has been a source of endless confusion. One has only to consider the decisions I have mentioned to realize that one is trying to adapt a wrong principle. All sorts of accidents have been discussed in other States. In some instances a person has been held to be negligent while driving to his work and still has been held to be reasonably compensated. I could not accept that sort of provision, the insertion of which would not help this Bill to get through. Rather would it tend to make it unacceptable, particularly in another place.

Mr. GEOFFREY CLARKE—I want to say a few words about the possibility of arriving at an equitable premium. The honourable member for Light (Mr. Hambour) will no doubt disclose to the House the comparative rates of premium charged in the other States, but it is important that the insurance companies, in arriving at a premium, should have in mind the great variety of risks to be undertaken and attempted to be covered. It has been said that an employee on the premises of his employer can reasonably be said to be under some sort of direction, and the risks can be generally ascertained by known statistics of accidents; but, whatever may be said about industrial accidents, most accidents happen in the home. The next step would be for the workman to be insured not only while going to and from work, but also in his home, where an accident is more likely to happen.

Another example of the great difficulty of interpreting the effects of this amendment is the casual employee who works for two or three employers and visits them on the one day. When he is moving from one place of employment to another and has an accident, under which policy is he covered? Will he have to get out a tape measure and measure whether he is exactly half-way between two places of employment or whether he is nearer one than the other? Those problems can be multiplied in trying to arrive at a reasonable interpretation of this new clause. An employee might travel from his home on foot, by bicycle, motor car, bus, tram or any other means of conveyance, each of which poses a different kind of risk for an insurance company and all

of which must be assessed on the worst possible accident figure in arriving at a premium. But, if it is proper that an employee should be covered by his employer when travelling to and from his work—the expense of which, of course, will ultimately be borne by the public consuming the goods of that industry—who will cover the self-employed person, the man with a one-man business who travels to and from his place of business? No doubt the Opposition will reply that that man, for a comparatively small amount, can get adequate cover not only for accident but also for illnesses and diseases. So can the employee. Therefore, I oppose this amendment because it is completely impracticable, because of the great difficulty in arriving at an equitable premium, and because of the absurd situations that can arise from the great variety of travelling and conditions of employment, particularly among those undertaking casual employment and those travelling from one job to another.

Mr. FRANK WALSH—The Treasurer referred to a number of cases in New South Wales. Recently, two cases of tramway employees have been raised. One employee was travelling on the normal route from his home to his place of employment at Hackney. At 5.30 a.m. whilst on his way to work he suffered a road accident. It was proved that it was rather the fault of the other person. Because he has been away from his employment for some months, the trust has decided to dispense with his services while he is still on the sick list. What justice is there in that? Although I do not know the trust's policy on employees meeting with accidents, I mention this case to show where justice should be meted out. I do not know whether the remarks of the member for Burnside apply to the case of a person travelling to or from his place of employment. It is debatable whether a person's place of abode is his normal dwellinghouse or another place where he may stay for a period. The member for Burnside, if I understood him correctly, stated that most accidents occurred at home, and I can only assume from his remarks that he believes that those accidents are caused in the ordinary course of a man's family life.

The casual worker may engage in work for a short period at one place and then move on to another. A gardener would be in that category. Those people are not necessarily engaged by the hour but work on a contract rate, and I believe it would be their own responsibility to cover themselves under this legislation. Protection is afforded for those people in industry on a wage or a salary.

Mr. Hambour—Not only industry, but any occupation.

Mr. FRANK WALSH—Is there another occupation?

Mr. Hambour—Yes, one may sell ice cream.

Mr. FRANK WALSH—That would be an industry, for in my opinion "industry" covers everything. There must be a place where a person resides and there must be another place where he engages in an industry. All we desire to convey to the Government on this matter is that a person should be covered while travelling between his home and his place of employment. The Opposition desires that coverage, not litigation over some other misdemeanour that has occurred as a result of something that was never meant to take place.

Mr. HAMBOUR—The member for Adelaide (Mr. Lawn) said we had adopted an entirely different attitude from that which we adopted yesterday, and insinuated that the Chamber of Manufactures, as our master, was down here this morning to tell us what we had to do about this Bill. Mr. Colin Branson, the executive officer of the Chamber of Manufactures, came to see me at the House this morning, but his discussion with me had nothing to do with this Bill. In fact, it will make the Opposition, with its policy of decentralization, really uncomfortable to know that he came down to point out to me that the Australian Council of Trades Unions was trying to nullify the preference of three shillings a week that country employees have enjoyed over the last 20 years, which would mean that the country would lose what little advantage it has had.

Mr. Fred Walsh—That has been its policy for 20 years.

Mr. HAMBOUR—It is now redoubling its efforts, and that shows just how sincere the Opposition is when it speaks of decentralization. A document I have here contains comments by Mr. Branson and deals precisely with the question of decentralization. He supplied an answer to my plea for help from the Chamber of Manufactures in getting small items produced in the country and returned to the city.

Mr. Lawn—Tell us what else he said.

Mr. HAMBOUR—What we discussed is shown in the document, and I will present that document to the member for Adelaide so that he can see that it contains nothing that bears on this amendment. Members are not

very concerned about who is to pay the additional charges. It is all very fine for the Opposition to put forward proposals, and no doubt it did so because it wants additional protection for the people it represents, but Opposition members are not the only people who represent the working man, for I am just as concerned with his welfare as they are. However, we have to take a balanced view of things. What concerns me chiefly is the impact of this amendment. I have a document that deals with certain premium rates, and any member may study the Victorian rates compared with those of South Australia. Those rates are a minimum of double the South Australian rates; some are five times greater. If this amendment is carried the additional impost has to be borne by the community. I know the member for Adelaide has an obsession about General Motors-Holdens, and claims that it can pay the extra charge out of its profits, but General Motors-Holdens is not the only company in South Australia. Many companies, under price control, cannot pass on the cost, and it has to be met by the principals out of their meagre profits. The Victorian rate for clerical workers is three times the South Australian rate, and that for retail stores six and a half times our rate. The Victorian ratio of premiums to South Australia is two to one as regards farming; three and a half to one as regards fruitgrowers; five to one as regards fruit packing; and one and a half to one as regards engineers. All these ratios are in favour of South Australia. Others are—electrical engineers two to one; iron foundries two to one; and pastoralists two and a half to one. Victoria has lost industries as a result of this provision, possibly to South Australia. These increased benefits can cost a company much money without resulting in much advantage to the people that members opposite say they represent.

If the labor content in the manufacture of an article is large it must have a big impact on the cost of the article to the public, but that does not seem to worry the Opposition. I stress that the premiums are calculated on the total wage bill, and they must be passed on if possible, though in some cases they cannot be. Many members have referred to "industry" and "manufacturers," but the amendment will apply to many more people than manufacturers and industrialists. I would not be so concerned if I thought the amendment would provide a wide cover for employees, but it would not. I think members opposite would agree that the risk of accident to an employee going to or from work would be 10 times greater in the metropolitan area than in the country, but the amendment will force every employer in the State to pay exorbitant insurance premiums. Therefore, it seems that members opposite represent the insurance companies, for they will create a bonanza for them. In nine cases out of 10 any compensation will be paid under the insurance policy on the motor vehicle involved in the accident.

Mr. Corcoran—You are more concerned about the cost involved than the principle we advocate.

Mr. HAMBOUR—I am concerned with all things, and I do not want anyone's costs to be increased unnecessarily. Section 71 states:—

> Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer (which other person is hereinafter called the "third party") to pay damages in respect thereof the following provisions shall apply:—
>
> (1) The workman may take proceedings both against the third party to recover damages and against the employer for compensation.
>
> (2) A workman who receives any money from a third party in respect of an accident and compensation under this Act shall repay to the employer such amount of that compensation as does not exceed the amount recovered from the third party.

I think it will be admitted that 95 per cent of the accidents contemplated under the amendment will be road traffic accidents, and motorists must be covered now against such accidents. The premiums that will have to be paid as a result of the amendment will only result in profit to the insurance companies, so I cannot see any worth in the amendment. The insurance companies will be receiving two premiums—one under the Road Traffic Act and the other under the Workmen's Compensation Act—yet an injured party will get only one payment.

Mr. Corcoran—How do they deal with that problem in other States?

Mr. HAMBOUR—The Premier said that the other States are concerned about what they have done. The Leader of the Opposition referred to the position in Queensland, but the companies there will not take business from anyone except a *bona fide* resident of that State, which proves that they have a subsidized insurance scheme there. Can members

opposite interpret the words "interruption," "deviation," and "substantial"? I presume "interruption" refers to time.

Mr. John Clark—No, it means a break.

Mr. HAMBOUR—What does "deviation" mean?

Mr. John Clark—Change of direction.

Mr. HAMBOUR—If a man stands on a street corner talking to a friend is that an "interruption"?

Mr. John Clark—It depends on how long he stops talking.

Mr. HAMBOUR—Of course. I have a drink every night. I call in at the club and I do not have to deviate very much because I go to it in practically a straight line—a deviation of only about 10yds. Do members opposite call that a substantial deviation? It is a deviation over 10yds. for 30 minutes between 5.30 p.m. and 6 p.m. People who do it may have a couple of drinks and spend the time talking to their friends. Can that be called a substantial deviation? In 30 minutes it would be possible to do almost anything. The provision in the amendment is vague and the courts could not put a proper interpretation on it.

Mr. Stephens—Don't you trust the courts?

Mr. HAMBOUR—I do not distrust them. They would be justified in putting any interpretation on the matter. As legislators we should set out the position clearly. I oppose the amendment.

Mr. LOVEDAY—I do not intend to refer to the points raised by the Premier about British justice and the recommendations of the advisory committee, because they have been dealt with by other speakers. When he spoke for the second time the Premier mentioned the situation that had arisen in the other States on this matter. He also mentioned three cases, two of intoxicated persons and one of a scuffle at work. One man became intoxicated after visiting a hotel on his way home from work, and the other was intoxicated at work and dismissed before the end of the shift. The third person was engaged in a scuffle at work and a fight afterwards. Apparently legislation of the type proposed is to be condemned because of a few incidents. We should remember that thousands of people go to and from work every day. What do these few instances represent in the total of men going to and from work? Should we condemn the legislation because of these few isolated instances? If we approach the matter in this way we shall have no legislation. The Premier said that there were several volumes of these cases, but he did not tell us how many cases there were and he did not put them against the number of people who go to and from work each day. Mr. Coumbe stressed the fact that the employer had no control over the employee after he left work, and he drew a harrowing picture of the situation. Mr. Hambour also drew a harrowing picture of the terrific costs that would be involved. We have been told that it is easy to put legislation into effect, but difficult to get it repealed. If it is as bad as all this, why hasn't the legislation been repealed in the other States?

The Hon. Sir Thomas Playford—One reason is that it is fundamentally different in the other States.

Mr. LOVEDAY—The New South Wales provision goes farther than we suggest for South Australia. If it is as bad as some speakers say, there should have been a public outcry in the other States, but there has been none because the people want the legislation. If there had been an outcry, there would have been no difficulty in having the legislation repealed. If a Government is democratic it should give the people what they want. I have found that factory workers want this provision. The complaint is that South Australia is always behind the other States in workmen's compensation legislation. We have heard for years that our workers are more moderate than employees in other States and that their behaviour is so much better, which is the reason why South Australia attracts industries. If that is so, the provision should work as effectively here as in other States. Obviously the people want the provision. Government speakers have said that in the last analysis the public would pay for it, and if they do are they not effecting their own insurance? There is nothing wrong with that. I thought our Government was keen for people to pay for the benefits they receive. I cannot see why Government members oppose something that every State but one adopts. If the insurance premiums on this matter are high in the other States, it proves that many people are getting much benefit from the provision. The high premiums are fixed on an actuarial basis, and if the people are prepared to pay them why shouldn't they have the provision? I hope the amendment will be carried because the people have been awaiting the provision for a long time. As this is

almost common legislation throughout Australia, why should it be held up here?

Mr. MILLHOUSE—I oppose the amendment, and entirely adopt the three points made by the Premier. Firstly, I agree that we should be guided by what the Committee recommends. The Premier's second point is that it is unjust that an employer should be liable for something that happens when he has no control over an employee, and as the member for Burnside (Mr. Geoffrey Clarke) pointed out, there is no logical line between this amendment and saying that we will cover an employee for 24 hours a day, when at home as well as when on his way to and from work. Once we pass the stage of paying compensation for injury arising out of and in the course of employment, there is no logical stopping place between that and covering the workman wherever he may be, and I do not subscribe to such a principle.

The Premier's third point is that this amendment is confusing. The member for Gawler (Mr. John Clark) gave bland assurances that there is nothing confusing about the word "substantial," which just means what it says; he said that nobody would have the slightest difficulty in interpreting it, and that we could trust our courts to do the right thing. It is just as easy to say that this word can be interpreted without difficulty as it is to say that the words "absolutely free" in section 92 of the Constitution are not susceptible to any doubt in interpretation, but that is not the case, and I have been able to find a decision made by the New South Wales courts on this point.

Mr. Fred Walsh—What about Victoria, Queensland, and the Commonwealth?

Mr. MILLHOUSE—The Leader said that this amendment was based on the New South Wales provision; there has been considerable difficulty in New South Wales in interpreting a similar provision. The case of *Selby Shoes (Aust.) Pty. Ltd. v. Erickson,* reported in the 1953 New South Wales State reports, went to the Workmen's Compensation Commission in New South Wales, which decided in the worker's favour, the Full Court of the New South Wales Supreme Court decided the other way by a two to one majority, the Chief Justice dissenting, and then the High Court restored the Arbitration Commission's decision. That shows it is not quite as easy as members opposite would have us believe.

Mr. John Clark—But that is not an unusual occurrence.

Mr. MILLHOUSE—It is not, but it is to be avoided if possible. The head note to this case states:—

A worker within the meaning of the Workers' Compensation Act, 1926-1951, after commencing his journey home from his place of employment, entered a hotel where he remained for almost an hour. He then continued his journey, in the course of which he was injured whilst atempting to alight from a train before it came to a standstill. Upon the hearing of an application for compensation the Workers' Compensation Commission found, *inter alia,* that the worker was injured after an interruption of his journey which, although substantial, had not materially affected the risk of injury, nor been reasonably incidental to the journey, and made an award in the worker's favour.

There was an appeal from that finding. I do not want to canvass the facts, but only to give the thoughts of the judges on this section. Chief Justice Street gave an opinion that I think all members will agree was a model of judicial moderation; he said:—

The language of this subsection is, to say the least, unsatisfactory, and whichever way it is viewed it is calculated to produce curious and possibly unexpected results.

So much for the assurances of the member for Gawler. His Honor continued:—

Giving it the best attention that I am able, I think that it must be read as a piece of English and applied according to the tenor of the language used, and that upon the proper construction His Honor erred in reaching the conclusion he did.

Mr. John Clark—What decision did he come to?

Mr. MILLHOUSE—That is irrelevant; his judgment was the same as the subsequent judgment of the High Court. Mr. Justice Owen, who did not agree with the Chief Justice, said:—

There is no doubt that, as a piece of draftsmanship, the subsection with its double negatives, and even without the amendment, is not an artistic piece of work, and in this respect the amendment does not improve it.

He had the same thoughts as the Chief Justice. The third justice, Mr. Justice Herron, said:—

I feel some hesitation in expressing any confident view on this matter.

Each one of these three justices of the Supreme Court of New South Wales cast reflections upon this particular subsection, and the Leader's amendment is drawn from it! It is absurd for members opposite to say there will be no difficulty in interpreting it, because I have shown what happened in New South Wales when endeavours were made there

to interpret the provision, which is almost word for word what the amendment provides. It is:—

Where a worker has received injury without his serious and wilful misconduct on any of the daily or other periodic journeys referred to and the injury be not received—

(1) During or after any substantial interruption of, or substantial deviation from, any such journey, made for a reason unconnected with the worker's employment.

Mr. Fred Walsh—You are only giving the part that suits your case.

Mr. MILLHOUSE—I am giving the part that suits the Leader's case, because that is his amendment almost word for word. This provision was unsatisfactory even to the New South Wales Parliament, as evidenced by an amendment made in 1951 to make it clearer, but the Leader has not seen fit to make it clearer in his amendment.

Mr. John Clark—Would you support the spirit of this amendment if it were worded differently?

Mr. MILLHOUSE—No, because I entirely agree with the Premier's objections. I have only quoted this case to refute the bland assertions that there would be no difficulty in interpreting this amendment. Most of the harrowing examples mentioned by the Opposition concern workmen who have been injured upon the highways and who would be entitled to compensation either at common law or under the Wrongs Act. If a workman is granted compensation under our Act and subsequently receives compensation at common law he cannot retain both amounts: he can keep only the larger. This amendment would not help the workmen who are entitled to compensation at common law, because we know that generally damages at common law are greater than damages under the Workmen's Compensation Act.

In the New South Wales Act the words, "without his serious and wilful misconduct" appear. The Leader omitted those words from his amendment, so it doesn't matter how stupidly, negligently or illegally a workman may behave on his journey to or from work he would still be entitled to compensation. That is a most undesirable innovation on which we have heard nothing from the Opposition. Mr. Hambour compared the premiums paid in South Australia with those paid in Victoria. Victorians know full well that they are not well off under their Act because in an article headed, "Victoria's Biggest Handicap" the following appears:—

In an industrial climate otherwise fair and salubrious, manufacturers in this State suffer a severe handicap in the burden imposed upon them by the Victorian Workers Compensation Act.

The article lists about half a dozen alterations that would make the Act less burdensome, including this proposal the Leader seeks to write into our Act. I suggest that the Committee reject the amendment.

Mr. STEPHENS—I support the amendment. We simply ask for justice for the workers. Government members think only the employer is entitled to justice. Mr. Millhouse said how much more it would cost employers for insurance and how much less our premiums are than elsewhere. The employers save that money, but the workers lose what they are entitled to and we do not get goods any cheaper. The Government always opposes our moves to benefit the workers. I remember when workmen's compensation was only £1 a week and when we tried to increase it we were told it would ruin the employers. The same is being said today. Mr. Millhouse claims that most of the trouble in other States has been caused through bad draftmanship. It would benefit South Australia if we did not have so many members of the legal profession inserting words into our legislation that render it hard to interpret.

Some time ago a waterside worker approached me. He was employed by a shipping company and was instructed to return to work after his evening meal. If he had not returned he would have been dismissed and would have lost his licence on the wharf, so the company virtually had control over him while he was going home to his meal. He was knocked off his bike by a tramways bus, lost his arm and his body was badly smashed. He was not entitled to even a penny compensation. Had we not been able to prove that it was the fault of the man driving the bus, we would have got nothing. On the other hand, had this man not been able to get some financial assistance to pay the cost of the case in court, he would have got nothing either. I support the amendment.

Mr. SHANNON—The Treasurer, in explaining why he recommended the House to reject the amendment, said it was because it was not one of the particular matters recommended by the advisory committee. The member for Adelaide (Mr. Lawn) said that, as long as we had the present chairman of this committee,

this amendment could never be put into the Bill and we had to get rid of him because he would not do what the honourable member opposite and his friends wanted done. Would a new chairman also be replaced if he, too, refused to comply? If that is the approach to a debate on this aspect of the matter, I for one cannot be a party to it. If we ask for assistance from people whose duty it is to investigate matters and they make certain recommendations, we ought to take some notice of them.

The chairman of the advisory committee is also chairman of the Insurance Premiums Committee and has had extensive experience of insurance matters. The Premiums Committee has acted fairly and squarely with the public, largely as a result of the chairman's knowledge of this subject. Even if the clause were unambiguous, I would oppose it. It is a well-known principle that, where people are engaged to work for someone, they act under his instructions and do what he tells them. By law, he has to make certain provisions for their protection against accident. I agree with those provisions and favour the general provision of workmen's compensation, but I cannot support the amendment which would cover an employee when not controlled by his employer.

Mr. O'Halloran referred to apprentices going to and from trade schools and being covered by workmen's compensation while so travelling, but the employer is still in charge of the apprentice while he is travelling in that way, and the apprentice is still in the pay of the employer during that time. That is a proper protection to give a young man who is trying only to improve his skill so that he may become a more efficient employee, but that is entirely different from the ordinary employee travelling to and from his home. In New South Wales and Victoria the insurance figures are alarming with respect to workmen who are injured while travelling to and from their work. The losses incurred in workmen's compensation insurance in those States are such as to make that business unattractive to the insurance companies. Fortunately, it has not yet reached that stage in South Australia.

I have not seen any analysis of the claims made by people injured in travelling between their home and their place of employment compared with claims in respect of accidents occurring in the course of employment. All I know is that the company I am interested in in those two States is losing money in this field of insurance, despite the increased premiums. South Australian companies are not losing money, but are not making very much out of it, and it would not take many serious accidents to put them on the wrong side of the ledger. Fortunately in this State we have a fairly stable work force, and that is one reason why South Australia enjoys better industrial relations than exist in the eastern States. We have not very many of the type of workmen that Sydney, in particular, has, who are partly the cause of increased workmen's compensation premiums in New South Wales.

Another matter that has a bearing on the increased premiums required in the eastern States is the practice of having juries assess compensation. South Australia is different in this regard in that a judge assesses compensation payable to an injured person. The result of that system in the eastern States is well-known to anybody who reads the press reports on these matters; some very large amounts have been assessed, and obviously that has a bearing upon the premiums paid. That is one thing that this particular amendment has lost sight of. After all, costs are passed on, and this amendment would definitely increase the workmen's compensation premium costs. The insurance companies will probably not lose, because I hope the Premiums Committee will be fair and give them a reasonable premium rate to cover the increased risk they will have to carry. The employer who pays the increased premium will pass it on in his cost structure to the consumer, who in the final analysis always pays. It does not matter what channel we work through, the increased cost finally works down to the poor unfortunate fellow who has to use the commodity. Anybody who studies this economic problem must appreciate that we cannot have something for nothing.

We on this side of the House have been said to be unmindful of the protection that should be given from the humanity angle to the workman travelling to and from his work, but I point out that a cover can be obtained for every possible imaginable risk. Whenever I travel by air I take out a special insurance cover. I know of no risk that cannot be covered by insurance today. I suggest that the State in coming into the third party risk in the motoring field might in some way have to come into the field of public risk. This includes the risk run by the average individual, who might meet with an accident while walking along a street and cannot claim

damages in a civil action because he is himself at fault. Those risks cannot justifiably be included in workmen's compensation. If somebody runs into the car in which I am travelling home from this building and kills me, am I entitled to cover under workmen's compensation? I submit there are limits beyond which we cannot go. If there is to be a field in which there should be some protection for the rank and file of people, it should be a State matter and not an industrial matter at all. The State could insure everybody against being killed by a mad motorist or losing one's life while riding a motor cycle.

Under the Leader's amendment practically all cases would be covered, but I am not in favour of loading that responsibility on to the shoulders of one particular section of the community, which we would be doing, and so increasing our cost structure as to leave us at a disadvantage with other States. I do not suggest that we follow the lead of New South Wales and Victoria, for I consider that would be going downhill.

Mr. LAWN—The Opposition's submissions in support of this amendment were based upon human rights. Members of the Government have not replied to those submissions, but have merely suggested that we should not insure workmen during the period they are not employed or when the employer has no control over them. In reply to our criticism that three States and the Commonwealth have the provision that we are seeking, both the member for Torrens and the Premier said that it was easy to bring in legislation of this character but difficult to repeal it. The member for Whyalla answered that criticism by stating that it is the duty of this Parliament to legislate for the people who are entitled to this provision.

Despite the fact that there has been a change of Government in Queensland, Victoria and the Commonwealth, the Governments have not repealed this provision. Irrespective of their political colour, none of those Governments has repealed the legislation because they know the people desire it. Therefore, it is the duty of this Parliament to look at it from the point of view of what our people want, not from the point of view of what a section desires. I say "a section," because the member for Light stated that Victoria had lost industries to South Australia and instanced this legislation as one of the reasons they had come here. I have said previously that this Government, on industrial legislation, is not concerned with the welfare of the worker. That was illustrated by its long service leave legislation. It always tries to keep wages and workmen's compensation benefits as low as possible. South Australia does not provide compensation for injuries received at work, but only for accidents. Other States cover injuries and accidents.

This Government does not legislate in the interests of the people generally, but in the interests of only a section of the community. Mr. Geoffrey Clarke said it was impracticable to implement the amendment, but the trade unions have entered into an agreement with an insurance company under which their employees are covered during their employment and when going to and from work too. Union executive officers attending union meetings and shop stewards coming into union offices are covered in the same way, the maximum cover being £2,600. If I leave Parliament House to attend a meeting of a union, of which I have been a member since March, 1925, I am covered from the time I leave until I get home. The premium is £1 12s. per year per individual, and there is no confusion about "deviation" or "interruption." If a union official is called out to attend a stop-work meeting or address shift workers the cover applies up till one hour after his business has finished.

One firm that operates in all States pays 21s. 7d. per cent to cover its factory workers in South Australia, and 44s. for its Victorian workers. I stress that in Victoria the firm has to insure its employees against injury as well as accident. Some of its employees in South Australia have had their wrist, elbow or neck injured at work, but they have not received compensation for that. Further, in Victoria its employees are covered against accidents in going to and from work and medical, hospital, nursing and chemist's fees are unlimited. Therefore, employees in Victoria have a much greater cover, but we are not asking for all those benefits, though they cost only 22s. 5d. per cent more than in South Australia. The amendment is based on giving justice to employees and their families. We are not asking for something new. Mr. Bywaters referred to a firm that operates in three States and said that it could not pay compensation in connection with a fatal accident at Murray Bridge because the South Australian law prevented it.

Mr. Millhouse—It does not.

Mr. LAWN—Certainly the law does not stop the insurance company from issuing a policy,

but it is difficult to get one because the insurance company can only give a quote that is approved by the Underwriters Association. In 1953 I was one who sponsored a move within my trade union organization to get an employer to give 13 weeks leave for long service because that period was provided for the firm's employees in other States. The firm agreed and I then sponsored a move to approach employers regarding a cover for employees going to and from their place of employment. After a considerable time the reply was that the employees could not be covered. Evidently the employers came up against the same difficulty. The Underwriters Association will not approve these proposals because of the South Australian law. Negotiations are continuing and it is hoped that the employees will be covered in this way. Employers say they appreciate uniformity in working conditions and firms that employ men in several States want their employees to operate under the same conditions. Mr. Millhouse said that the New South Wales law on this matter was not very clear. If he suggests that the law in South Australia on various matters is clear I should like to know why the State has so many solicitors.

Two years ago last July my daughter met with a road accident and the matter of compensation has not yet been settled, yet Mr. Shannon said that it is easy to insure against road traffic accidents. Now if a worker meets with an accident whilst going to or from work he has to wait for the third party insurance to be settled, but in the meantime his wife and children have to go without the usual weekly income. Reference has been made to a workman travelling along the Port Road between 1 a.m. and 2 a.m. and being killed by a hit and run motorist. It was not a happy thing to tell the wife that in order to get compensation she would have to take civil action against the driver of the vehicle.

This amendment should not be regarded as a political matter. It deals with human rights. Why should a wife and children have to suffer hardship because the husband and father has been killed in going to or from work? A woman 25 years of age with 5 children, whose husband was accidentally killed on the way to work, would be left destitute. All we are asking is that such a workman be covered by insurance, and in the case of the firm I mentioned this would cost the employer only £1 2s. 5d. a year for every £100 wages. We should not forget that this provision would prevent the necessity for this woman's applying for relief. I hope Government members will realize there is more in this than £ s. d.

Mr. FRED WALSH—Several speakers said the committee made recommendations that had been accepted by the Government; the Opposition wholeheartedly supports those recommendations, but no reference was made by the committee about its attitude to the matter raised by this amendment, although the matter has been before it. As a result, no umbrage could be taken by the committee because the Leader has moved this amendment. Cases have been referred to, and the member for Torrens (Mr. Coumbe) referred to hypothetical cases. The only specific case he mentioned was that involving Slazenger's, where death was due to heart failure.

Mr. Millhouse said the New South Wales Act only covered accidents, but under our Act the dependants of a man who dies from heart failure have no redress unless his death arises from his employment. The Premier dealt with cases which, he said, showed conclusively that the courts considered the employer was liable. Mr. Millhouse said that three judges criticized the phraseology of the New South Wales section, but that has nothing to do with the principle, only with the drafting; the court was satisfied that there was liability. We do not suggest that our amendment cannot be drafted in a better form, but if we accept the principle that a worker should be covered for injuries sustained on his way to and from work, we should pass this amendment. However, the Premier cannot be convinced that this should be done; he has publicly declared that he will never bind an employer to this liability. What hope have we in the future? He mentioned that one employer was held liable for injury sustained in a fight that took place away from his premises. Under our Act as it now stands a workman is covered going to and from his employment if the employer provides transport. If the employer pays railway fares, I believe it could be construed that he is providing transport, and if a fight breaks out in a railway carriage he could be held liable. If a fight took place in a truck provided by the employer, he could also be held liable. There is a discrepancy here, to say the least.

I do not deny that many men go into a hotel on the way home, but many have only a convivial glass and then leave. Would this provision apply if a man unduly delayed going home, whether he stopped at a hotel or a milk bar? If the principle were accepted, in

order to overcome difficulties I would suggest that compensation should not be paid where the accident is due to personal misconduct. I am sure the Leader would consider such a proposal. The legal profession could not exist if our Acts did not contain doubts. All Acts should be written so that all people could understand them without the necessity of seeking opinions from eminent members of the legal profession. Opinions differ considerably and I am sure that Messrs. Dunstan and Millhouse would give different opinions on many given matters.

One section of the Road Traffic Act provides that a person shall not drive or be in charge of a vehicle whilst so much under the influence of intoxicating liquor or a drug as to be incapable of exercising proper control of the vehicle. Who determines how far a man is under the influence and by what means? Various methods have been utilized at different times, but there is a doubt and by the same token similar doubts under this legislation could be left to the discretion of the courts to determine.

Insurance premiums seem to be a sore point with some members opposite and they mentioned the cost that would be involved. Mr. Shannon referred to a branch of his firm in Victoria and explained the losses being sustained by Victorian insurance companies. I cannot argue that, but I know that they are perturbed about the position in Victoria, and last January the Bolte Liberal Government established a board comprising Mr. V. H. Arnold, chairman, and Messrs. A. J. Christophers and G. J. de Mestre, to examine the incidence of industrial accidents. It was established to invite, examine and inquire into suggestions as to the most practicable manner and means in or by which the State Government might assist in reducing the accident rate in industry and to report thereon. In the course of its investigation the board took evidence from more than 90 people representing all Commonwealth and State Government departments and all industries having a high incidence of industrial accidents. For the year ended June, 1954, the total number of man hours worked was 1,714,000,000. The number of claims for compensation was 175,024 including 513 fatal cases, of which slightly fewer than half were heart cases. For the Commonwealth for that period there were 512 accidents causing death, 2,657 causing permanent disability and 61,424 causing temporary disability. The lost work potential was 27,188 man years and workers' compensation premiums cost £32,321,350. Those figures were cited by the Minister for Labor and National Service at a National Conference on Industrial Safety in Canberra. He said there were about 350,000 injuries with 400 workers killed and at least 3,500 maimed. They exclude deaths from heart complaints.

In paragraph 40 of its report the Victorian Board of Inquiry stated:—

The board believes that there would be great advantages in compelling insurers to embody an appropriate system of rebates in their workers' compensation contracts.

Paragraph 41 reads:—

A further desirable change in the Board's opinion is that a provision be made for premiums to be in two parts:—

(*a*) A premium charge per £100 of wages, according to occupation, to cover accidents, and diseases proclaimed under section 21 of the Workers Compensation Act.

(*b*) A premium charge per person employed, to cover the risks associated with journey cases and compensable diseases not proclaimed under section 21. This charge would be constant for all occupations.

Paragraph 49 (*e*), under "Summary of Recommendations," reads:—

The Workers Compensation Act should be amended to provide:—

(i) For the adoption by all insurance companies of a standard system of rebating premiums where a favourable ratio between premiums and claims is experienced, with the object of encouraging employers to reduce accidents.

(ii) A new basis of assessment of premium charges with the object of removing employers' objections to employing older persons.

Those recommendations should be well considered by our own Workmen's Compensation Committee when investigating further amendments next year.

It is to the advantage of employers to protect the class of employee referred to in this debate. If he is not properly protected when suffering an injury in the course of going to or from his employment, he returns to his employment long before he is well. He takes his place alongside his fellow workmen, which may easily result in further injury, and perhaps death, to someone else or even to himself.

Mr. QUIRKE—I support the amendment. Government members have talked in terms of cost, whereas Opposition members have talked in terms of human values. This a matter of a workman leaving his work to go home or his home to go to work and being injured on

the journey, the responsibility being on the employer through the insurance premium he pays. The workman is an inseparable part of industry; the machine needs the human factor to operate it. The employer employs a man and pays him so much an hour. In return, he expects to get a profit on that man's energy, otherwise he does not employ him. His whole industry is dependent upon the efficiency of the man he employs. When a man leaves home, he leaves it to serve a man for a wage and, if he does not turn up, the employer does not make a profit. Surely it is fair and reasonable that a man should be covered while travelling to and from his place of employment. No employer would dispute that.

The Premier said it was against British justice to ask that the responsibility be placed upon the employer to cover an employee travelling to or from work, but originally British justice accepted that and it was only an abrogation of British justice that removed it. Originally, the British craftsman was a member of the employer's family unit; in many cases he lived with his employer. The craft guild safeguarded the employee against victimization of all kinds. It was only when we got to the system we have today, beginning in the late 1700's, in the period of the so-called industrial revolution when mechanization was first applied to industry and human rights were discarded, that we heard the sort of argument we are now hearing. The one thing that makes the nation great is the family unit, and it is the duty of everybody in the community to see that that most steadfast and valuable thing in the national life is safeguarded to the utmost.

I do not think there is as much value in this as has been stated, because there are other insurances. The member for Light said that the employer pays for two insurances. He pays his third party risk, and he would pay the increased workmen's compensation premium to protect a man going to work and coming home from work. So he would, but that is not too great a price to pay for that security.

Mr. Hambour—The insurance companies are the only ones who would get it.

Mr. QUIRKE—They are the only people who have been set up to do the job; nobody is attempting to take the job away from them. In the long run it goes back to the consumer. As one honourable member said, if it is a washing machine that is being produced the increased premium is included in the price of that washing machine. The member for Light said that it would be only the insurance companies who would get anything out of it, but I suggest the hire-purchase finance companies would get a bit more out of it as well. A man employed in industry is paying his own insurance in the long run, for he is paying it in the price that is being exacted for the commodity which he buys. How far do we get with this argument?

The important factor is the security of the breadwinner of the family. I know of a tragic case where a wife and her four children had been left without any claim, and from being in a position where she was receiving £50 a week she is now working as a dentist's receptioniste, simply because a provision like the proposed one did not operate. We do not want that sort of thing, and we do not want this matter wrapped around by arguments that it is a matter of pounds, shillings and pence to the employer. He will get his money back.

The Hon. D. N. Brookman—Would the man you mentioned have been covered?

Mr. QUIRKE—No, on £50 a week he would not have been covered, but I point out that it could have happened to a man earning £20 a week. I do not know whether anyone can interpret this amendment. Apart from being a House that passes legislation, this is an amending House, and if there are difficulties in legislation do we not constantly resolve those difficulties every year? Many of the Bills that have come before us this year are amending Bills, and they are being amended because of mistakes in the first place or because time has shown the necessity for doing something to bring them up-to-date. I do not know whether there are disadvantages in this proposal but if there are they can be further amended.

I am concerned with the security of the individual, which is something that is being challenged the world over today. Australia is least able to have any challenge placed on the security of the individual unit, which is the family. The person that makes that security as certain as is humanly possible is the man that goes to work in the morning and comes home at night. It is his security, his permanency as a breadwinner, and his capacity to earn that is important, and when he is cast aside through accident he should be protected. I have a much better approach to the problem than this, for I do not believe in these piecemeal attitudes. One member said today—and it epitomized my ideas regarding the matter—that this security is a national thing and should be on a

national basis. If it is a matter of putting in, then it should be all in or all out, because that is the only fair way of doing it. All contingencies could be covered, and it is not beyond the capacity of this country to do it.

Mr. Shannon—That is just what I said; it should be a national matter and not the sectional one that this Bill makes it.

Mr. QUIRKE—I entirely agree with the honourable member. Western Australia and South Australia have not come into line, but if the scheme I am advocating and the member for Onkaparinga has advocated does not come into existence this year, next year, or the year after, it will assuredly come about sooner or later. Such legislation will be absolutely necessary, because it should be the very birthright of the people of this country. It is futile to discuss it on the basis of pounds, shillings and pence, because somebody will pay for it in any case. The man that is thrust aside and is away from work will pay for it when he is buying the output of industry. This protection must come; we may as well have it now as later on and when it comes about it will not be any more burden on industry that workmen's compensation is today. I support the amendment.

The Committee divided on new clause 2a:—

Ayes (11).—Messrs. Bywaters, John Clark, Corcoran, Jennings, Lawn, Loveday, Quirke, Ralston, Stephens, Frank Walsh (teller), and Fred Walsh.

Noes (11).—Messrs. Brookman, Geoffrey Clarke, Hambour, Harding, Heaslip, Hincks, Laucke, Pattinson, Pearson, Sir Thomas Playford (teller), and Mr. Shannon.

Pairs.—Ayes—Messrs. Tapping, Davis, Hutchens, Hughes, Riches, Dunstan, and O'Halloran. Noes—Mr. King, Sir Malcolm McIntosh, Messrs. Goldney, Bockelberg, Coumbe, Millhouse, and Jenkins.

The CHAIRMAN—There are 11 Ayes and 11 Noes. The numbers being equal it is necessary for the Chairman to give a casting vote, and I vote against the amendment.

New clause thus negatived.

Title passed. Bill read a third time and passed.

HOLIDAYS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

WHEAT INDUSTRY STABILIZATION BILL.

Returned from the Legislative Council without amendment.

LAND SETTLEMENT ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 10.07 p.m. the House adjourned until Thursday, November 6, at 2 p.m.