HOUSE OF ASSEMBLY.

Wednesday, November 1, 1961.

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

QUESTIONS.

SERVICE CONTRACTS.

Mr. FRANK WALSH: Has the Premier a reply to a question I asked on September 26 about service contracts on electrical appliances, particularly television sets?

The Hon. Sir THOMAS PLAYFORD: The Crown Solicitor reports that a contract that merely provides for servicing a television set, washing machine or similar appliance does not, in his opinion, constitute an insurance contract for the purposes of the Hire-Purchase Agreements Act, 1960, or the Commonwealth Insurance Act. If, however, the company undertaking service enters into contracts providing for the replacement of damaged or unserviceable parts and the replacement of the appliance itself it may, depending upon the terms of the contracts, be carrying on an insurance business under the Commonwealth Act and so become liable to lodge a deposit with the Commonwealth Treasurer. He understands, however, that no deposits have in fact been lodged in the case of contracts that provide for service and replacement. In the case of many contracts that provide for replacement as well as for service in the sense of work performed, he thinks that the provisions of Part V of the Hire-Purchase Agreements Act would apply when the contracts were made in respect of the goods comprised in a hire-purchase agreement. The hirer would then be entitled to nominate his own insurer upon a contract containing reasonable terms and conditions in the same way as an absolute owner of goods may nominate his insurer. The question of whether the hirer should have the right to nominate the service company, where the service contract required by the owner of the appliance is not one of insurance, is a matter of Government policy. If the State were to legislate that all contracts for service should be effected with companies or persons who have lodged deposits with the Commonwealth Treasurer, it would, in cases where the service contract was not an insurance contract, go beyond the scope of the Commonwealth Insurance Act. In such cases the service company is not bound by the Commonwealth Act to lodge any deposit. The matter of enforcement of the requirement to lodge deposits is, of course, one for the Commonwealth.

MATRICULATION.

Mr. KING: In the last two or three years I have asked many questions relating to Leaving Honours classes and university matriculation standards. When I last asked a question, the Minister of Education said he was awaiting a reply from the Vice-Chancellor of the University of Adelaide. As I understand that the Minister has received a report, will he comment on it?

The Hon. B. PATTINSON: On October 24 I wrote to the Vice-Chancellor of the University of Adelaide as follows:

In view of the numerous queries received by me from members of Parliament and other interested persons and bodies about the proposed new matriculation examination, and because I desire to make an early decision concerning the suggested establishment of Leaving Honours classes in certain country centres, I should be grateful if you could let me know as soon as possible what progress has been made by the university in its deliberations on this matter.

I have now received a letter dated October 27 from the Vice-Chancellor (Mr. Henry Basten), as follows:

(1) The Education Committee of the university set up a subcommittee in June, 1960, to consider what would be desirable arrangements for matriculation if a fifth year of secondary education became more widely available in South Australia and to make recommendations.

(2) The subcommittee was composed of three headmasters and headmistresses, a senior officer of the Education Department, the Chairman of the Public Examinations Board and members of the university's staff drawn from various faculties. It met 20 times over a period of more than a year and made two interim reports to the Education Committee. These interim reports were, with the permission of the Education Committee, made widely available to members of the school teaching profession, and the subcommittee, as a consequence, received comments and criticisms from the Public Examinations Board, the Subject Committees of the Public Examinations Board, and the College of Education; moreover, suggestions were received through the Vice-Chancellor from the Director of Education.

(3) Some of these representations urged the subcommittee to adopt a system of matriculation which would require:

(*a*) that pupils of secondary schools should pass satisfactorily the Leaving examination at the end of their fourth year. If they did so, they should be accorded provisional matriculation;

(*b*) that pupils who had, in this way, obtained provisional matriculation could complete matriculation by passing satisfactorily in a given number of subjects at the Leaving Honours examination at the end of the fifth year.

(4) Much time was occupied in considering these proposals and comparing their merits with the more simple arrangement of holding a single matriculation examination at the end of the fifth year. The subcommittee believes that the latter would be more suitable. Nevertheless, I wrote several weeks ago to the Chairman of the Commonwealth Scholarships Board to inquire whether the alternative of a matriculation depending on the successful passing of two examinations would or would not present difficulties in the awarding of Commonwealth scholarships. I have received an interim reply in which he has told me that my question will require some thought.

(5) The final report of the matriculation subcommittee was submitted to the university's Education Committee on October 19. This final report was an amended version of a draft final report which, like the two interim reports, had been made widely available for comment and criticism. The Education Committee has not yet completed its discussion of its subcommittee's final report, but I enclose a copy of it for your information.

This is how the matter now stands. I hope that formal recommendations for a new scheme of matriculation will reach the University Council from the Education Committee fairly early in 1962; say, in April. The council will obviously need to know in what year it would be practicable to introduce a new scheme, if it should approve of it; I think it possible, perhaps probable, that the university will wish to introduce at the end of the fifth year of secondary education a matriculation examination covering much the same subjects as are now available in the present Leaving Honours examination. Would you be kind enough to tell me when such a plan could be put into effect?

The report which the Vice-Chancellor has forwarded to me is a voluminous document containing 30 foolscap sheets of single-spaced typescript. There is, fortunately, a summary of recommendations running to five pages. As they are of great interest to thousands of teachers and students in our departmental schools and also in our independent schools and colleges, as well as to all members of Parliament and many thousands of people in South Australia, I ask permission to have incorporated in *Hansard* without my reading it this summary of recommendations.

Leave granted.

MATRICULATION SUBCOMMITTEE RECOMMENDATIONS.

In the final report of the Matriculation Subcommittee it calls attention to the present position as follows:

1. At present a student may qualify to be matriculated in the University of Adelaide by passing in certain subjects at the Leaving Examination, normally taken at the end of four years of secondary education. He must also have reached 16 years of age.

2. South Australia is the only Australian State, apart from Queensland, in which a student can be matriculated after only four years of secondary education. In Queensland, however, primary education continues for a year longer than in South Australia, and thus its students are on average a year older than South Australian students when they take the matriculation examination. All other States have at least a five-year matriculation. Furthermore, South Australia is the only State which does not have a two-year period between the Intermediate (or equivalent) examination and the matriculation examination.

Its Unsatisfactory Nature.

3. For some time concern with this position has been apparent both in the university and in the schools. During the year 1957 a Joint Committee of the Faculties of Arts and Science investigated the examination records of students in those faculties and the possible relationships which existed between the examination records of university students and their level of educational attainments (Leaving or Leaving Honours) on entry to the university. The following is an extract from the joint committee's report:

> The joint committee is agreed that something is seriously wrong with the matriculation requirements when matriculated students who enter the university from the Leaving year at school (and who comprise about one-third of all university students) have the remarkably bad university records disclosed in the tables accompanying this report.

4. Another factor which has caused great concern is the "double standard of entry" resulting from the fact that the majority of entrants to the university have completed a Leaving Honours year and the minority only a Leaving year. University classes often therefore contain students with these two different standards of information and education; and this is most unsatisfactory.

5. Alternatively, if the two streams are separated at the university, the lower stream require an extra year to complete their university course. This encourages fifth-year specialization at school, for students do not wish to spend both an extra year at school and an extra year at the university. They therefore attempt to make sure of gaining status at the university in certain subjects by neglecting other subjects in their fifth school year.

Summary of Recommendations.

1. Students should have at least five years of secondary education before entering the university.

2. There should be a matriculation examination at the end of the fifth year of secondary work. Candidates should be encouraged to sit for six subjects and required to pass in five. The Public Examinations Board should be invited to consider the future of the Leaving Honours examination.

3. The minimum age for matriculation should normally be 17 years.

4. The five required subjects should be passed at one examination, provided that a candidate who takes the five required subjects and passes in four at one examination should

be permitted to complete his qualifications for matriculation at any subsequent matriculation or matriculation supplementary examination; and, in certain circumstances, one who passes in three subjects at one examination should be permitted to complete his qualifications for matriculation at the immediately following matriculation supplementary examination.

5. Students intending to enter the university should direct their studies towards matriculation from at least the Intermediate stage; and matriculation syllabuses, where appropriate, should be two-year syllabuses. Separate leaving and matriculation streams should be provided in schools where possible.

6. Those who fail to pass in a subject or subjects at the matriculation examination should be awarded passes at Leaving level if their performance justifies it. A Leaving Certificate should be obtainable in this way.

7. The following subjects should be included in the matriculation examination: English; Greek, Latin, French, German, Italian, Russian; Mathematics I, Mathematics II; Physics, Chemistry, Geology, Biology; Ancient History, Modern History, Economics, Geography, Music.

8. The subjects should be grouped as follows:

Group A: English.

Group B: Ancient History, Modern History, Geography, Greek, Latin, French, German, Italian, Russian and such other languages as may be approved for matriculation purposes by the council on the recommendation of the Matriculation Board.

Group C: Mathematics I, Mathematics II, Greek, Latin, French, German, Italian, Russian and such other languages as may be approved for matriculation purposes by the council on the recommendation of the Matriculation Board.

Group D: Mathematics I, Mathematics II, Physics, Chemistry, Biology.

Group E: Economics, Geology, Music.

9. To fulfil the requirements for matriculation a candidate should pass in at least five subjects from Groups A, B, C, D and E, including English (Group A) and at least one subject from each of Groups B, C and D; provided that

(*a*) no subject should be counted twice;

(*b*) Ancient History and Modern History should not both be counted;

(*c*) not more than two languages other than English should be counted;

(*d*) Mathematics I and Mathematics II should not be counted in separate groups;

and provided also that

(*e*) a candidate who does not obtain a pass in English, but who satisfies the examiners in English of his ability to use the language as an instrument of expression, should be deemed to have satisfied the matriculation requirements in so far as English is concerned.

The qualification in English obtained by a candidate who has satisfied the examiners in English of his ability to use the language as an instrument of expression should be designated EgQ, and should not count as a subject.

10. In deciding whether a candidate qualifies for EgQ, the examiners in English should be free to take into consideration the quality of expression and comprehension (not knowledge of literature) in paper II (Study of Texts) as well as paper I (Composition and English usage; reading and comprehension).

11. A pass in Music at the 7th Grade (Theory) of the Australian Music Examinations Board examinations obtained in the same year as that in which other subjects are passed at a matriculation examination should count for matriculation purposes as a pass in Music obtained at the same sitting of the matriculation examination as those other subjects.

12. Candidates who propose to enter science-type courses at the university should be discouraged from taking Geography as their sole Group B subject.

13. Serious consideration should be given by the university and the schools to the suggestion of the Deans of the Faculties of Science, Agricultural Science and Medicine that schools' science curricula (other than Mathematics) might be re-organized into two science subjects only, Physical Science and Biological Science. The reduction of Mathematics to a single subject in the fifth school year should also be considered.

14. The Biology Subject Committee of the P.E.B. should be asked to provide, for the present, a one-year matriculation course.

15. The same grades (A to G) should be used to indicate candidates' performances at the matriculation examination as are about to be used in the examinations administered by the Public Examinations Board.

16. Supplementary matriculation examinations should be available to candidates who—

(*a*) wish to qualify for matriculation under the provisions set out in recommendation 4, or need only to pass in English or obtain EgQ to complete their qualifications for matriculation; or

(*b*) were prevented by illness from sitting at the immediately preceding matriculation examination; or

(*c*) wish to satisfy university subject prerequisites; or

(*d*) obtain the council's permission on special grounds.

17. After some experience of the matriculation examination has been gained, the university should raise with the schools the question whether provision should be made to encourage a higher standard of achievement in candidates who return to school for a sixth year or in particularly able candidates in their fifth year.

18. The council, upon the recommendation of the Matriculation Board, should continue to have discretion to deal with applications for adult matriculation on their merits, subject to the provision that it should be available only to those who have reached the age of 21 years or have left school for three years.

19. The matriculation examination and the "new" (*i.e.*, non-matriculation) Leaving examination should both be held for the first time towards the end of 1964. The present Leaving (matriculation) examination and Leaving Honours examination should each be held for the last time towards the end of 1963 (except that a supplementary Leaving

(matriculation) examination should be held in February, 1964). Candidates who by March, 1964, are partially qualified to matriculate under the present provisions should be permitted to complete their qualifications for matriculation by passing in the necessary additional subjects at any matriculation examination or examinations, annual or supplementary, provided that they do so by March, 1966.

20. A Matriculation Examination Committee should be set up to advise the council on all matters directly concerning the matriculation examination. The committee should include in roughly equal proportions representatives of the schools and the university.

21. The State and Commonwealth Governments should be asked to consider making such financial and other provision as will ensure that no able candidate is prevented for financial reasons from entering the university. Awards made for this purpose to students at school should be for a minimum of two years before matriculation. Leaving bursaries should become matriculation bursaries. More Commonwealth scholarships should be provided, and if possible the number of such scholarships should bear a fixed relationship each year to the number of students qualifying for matriculation and seeking to enter the university. They should if possible be awarded on a candidate's performance in six subjects.

The report is signed by: J. R. Trevaskis (Chairman), Professor of Classics and Comparative Philology and Literature; G. M. Badger, Professor of Organic Chemistry and Dean of Faculty of Science; E. S. Barnes, Professor of Pure Mathematics and Chairman of the Public Examinations Board; Henry Basten, Vice-Chancellor of University of Adelaide; F. B. Bull, Professor of Civil Engineering; J. A. Dunning, Headmaster, Prince Alfred College; C. J. Horne, Professor of English; A. W. Jones, Superintendent of Recruiting and Training in the Education Department; L. F. Neal, Professor of Education; W. M. C. Symonds, Principal of Adelaide Boys High School; D. A. Yates, formerly Headmistress of Girton School for Girls.

Mr. Dunning made the following addendum to the report:

I have been a member of the subcommittee for only the last five of the 20 occasions on which it met. The decision between a one-tier and a two-tier system was taken before I joined the subcommittee, and I have signed the report, but my approval is given subject to the following provisos:

(*a*) I firmly believe that in general a two-tier system is to be preferred, but only if the fifth year is to be left sufficiently free from examination and scholarship requirements to make possible a genuine sixth-form approach to the work. (See Public Examinations Board Manual 1961, p. 7.)

(*b*) If under a proposed two-tier system the fifth-year is to be heavily loaded with examination and scholarship requirements, I prefer a one-tier system and consider the one here presented the most suitable.

Mr. McKEE: During the debate yesterday on the Student Hostels (Advances) Bill, several members from both sides of the House said it would be financially beyond parents to send their children to Adelaide to further their education because of the high cost of board. Because of this, many country children are being denied their rightful opportunity to further their education. I understand that the Minister of Education is considering establishing Leaving Honours classes in some country centres. Because of the heavy expense incurred by parents in sending their children to the metropolitan area to further their education, will he consider establishing a Leaving Honours class at Port Pirie and so give sympathetic treatment to the parents there?

The Hon. B. PATTINSON: I should be pleased to give sympathetic consideration to people at Port Pirie, Whyalla, Mount Gambier, Glossop, and various other centres. However, nearly 18 months ago the Premier, in a broadcast, referred to this matter and said that he thought the time had arrived when we should look again at the whole question of Leaving Honours classes, because at that time they were (and they are still) confined to metropolitan high schools and colleges and the Government desired to decentralize the system of secondary and higher education. I made many speeches on the same subject. The Adelaide University Council then set up the subcommittee to which I referred in reply to the member for Chaffey, and it has taken a long time in its deliberations. I do not criticize it; in fact, I am indebted to it because it has given such a lot of time and attention to this important subject. However, until I received the report yesterday, my hands were tied. From the report it appears that the university will not be able to make a statute until about April next. That being the case, I now desire to consider whether in the interim alternative proposals should be made. I hope now that the decks are clear to make a submission to my colleagues in Cabinet, either next week or the week after, so that, if they agree, an extension of the fifth year classes may be made, at least in the larger country centres.

TAPLEY HILL ROAD BRIDGE.

Mr. FRED WALSH: Has the Minister of Works a reply to a question I asked last week about negotiations with the councils and the Highways Department regarding a bridge over the Sturt Creek at Tapley Hill Road?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, has informed me that a survey has been completed, and the design is in hand for the reconstruction of the bridge over the Sturt Creek on the Alberton-Glenelg main road. The new bridge will accommodate four traffic lanes, a right turn storage lane for traffic turning east towards the golf links, a median strip and a footway on each side of the bridge. It is expected that a contract will be let and that construction of the new bridge will commence towards the end of the current financial year. The bridge over the Sturt at Golflands is the responsibility of the Corporation of Glenelg.

CIVIL DEFENCE.

Mr. COUMBE: I have asked several questions about civil defence. In reply to a question yesterday by the member for Stirling (Mr. Jenkins), the Premier indicated that the Commonwealth Government had written to him making certain proposals, but the Premier indicated that he had not had an opportunity of studying them fully. In view of the great public interest that has now been aroused in this matter, mainly as a result of explosions of nuclear bombs by the Soviet Union and the danger of fall-out, which is now most apparent, has the Premier had an opportunity to peruse the Commonwealth's suggestions and will he make a statement in this House either today or tomorrow on those suggestions and the possible reaction of the South Australian Government in order to give the people of South Australia and members of this House an indication of the propositions made?

The Hon. Sir THOMAS PLAYFORD: I have examined the Prime Minister's letter more closely since yesterday, when I had only just received it. Two things merit comment: First, the Commonwealth Government is now prepared to make financial assistance available to the States of the order of the amounts I gave yesterday. Secondly, in due course an officer of the Commonwealth Government will come over to South Australia to discuss the Commonwealth proposals with the South Australian officers.

WHYALLA TECHNICAL HIGH SCHOOL.

Mr. LOVEDAY: Can the Minister of Education say whether the awnings for the craft rooms at the Whyalla technical high school will be available during the coming summer?

The Hon. B. PATTINSON: I regret I cannot give the honourable member anything very definite or as favourable as he would like, but I will give him a report that I have received, which is as follows:

Apart from major works, the Public Buildings Department has a very heavy programme of minor works for the Education Department, and it is beyond the financial capacity to cope with the whole programme. Each item is being examined to ensure that works which are more urgent than others are attended to. Whilst the need for awnings at the above school is recognized, it is regretted that it is not possible to install them immediately, but the matter will be kept under consideration.

I still hope that that will be done in the comparatively early future and, as soon as I have any definite information, I shall be pleased to write to the honourable member and let him know.

LIBRARIES.

Mr. LAUCKE: My question concerns the setting up of free lending libraries in institute buildings. There are provisions in the Libraries (Subsidies) Act Amendment Act, 1958, that inhibit the establishment of the desired number of free lending libraries throughout South Australia. I refer particularly to the virtual prohibition on the use of institute premises for the purposes of housing public libraries if the institute is vested in trustees and not in the local municipal or district council. Section 2 of that Act provides, *inter alia*, that the premises in which a free lending service is to be established must be owned by the council or approved body. This runs counter to the wishes of many institute committees which desire to retain their ownership rights and not to surrender them to the local authority. Country institutes are the logical centres for community activity and should be entitled to be the venue for a free library enjoying the generous monetary provisions of the Act as well as being the home of the old established subscription libraries. I ask the Minister whether, in the interests of encouraging the setting up of more free lending libraries without unnecessary duplication of buildings, equipment, personnel and maintenance, consideration will be given to such further amendments to the Act as will enable institutes more readily to be the venue of free libraries?

The Hon. B. PATTINSON: I shall be pleased to consult with the Treasurer in due course on this matter because, although the Act got off to a slow start, I am pleased to say that 11 new libraries have now been established, two more have been approved—one at Brighton and one at Millicent—and applications are to be considered for some more.

It will be impossible to do anything during this session of Parliament and, in any event, the funds for that particular line of the Estimates have already been exhausted by the approvals so far given. But I think it would be possible, and in fact desirable, to look again at this Act next session because there is greater scope for further co-operation between institutes and councils. I do not think it has all been one way. There has been a lack of desire on the part of some older established institutes, which have been looking back to the past rather than forward to the future and grasping opportunities that can be made available to them under this progressive Act.

BOAT SAFETY.

Mr. BYWATERS: Over the last few years I have asked the Premier more than once about the regulations for boat safety, particularly regarding small boats on the River Murray. Earlier, in answer to a question from me, the Premier said:

The Government has considered the matter and would be prepared to alter the Local Government Act to enable a council to pass a by-law to operate in its area if such a request came from an authoritative local government source.

I understand that a committee was set up by the Municipal Association to examine the control of small boats, that it has met and formulated certain recommendations that have gone back to the Municipal Association, and that a report has been forwarded to the Premier. Can the Premier say whether this is so and whether any action has been taken to introduce regulations to control small boats?

The Hon. Sir THOMAS PLAYFORD: I think the honourable member's information is correct. Some work has been done upon a regulation, but the last I heard of it was that certain minor difficulties had arisen in its framing. I will check to see what has happened.

NOOGOORA BURR.

Mr. HEASLIP: Last year the Minister of Agriculture was most co-operative in supplying information about steps being taken to prevent the spread of Noogoora Burr in South Australia. Can the Minister say what results have been achieved in preventing its spread?

The Hon. D. N. BROOKMAN: When the threat of Noogoora Burr became evident in South Australia some time ago the Department of Agriculture acted vigorously and received much co-operation from members of this House, particularly country members. Because of the honourable member's interest in this problem I have obtained a report on the latest position. We have what is called a co-ordinated control of Noogoora Burr which has developed from the earliest stages of inspection work. In the last few months many sheep have been examined and the inspections have been carried out at major sales in other States with the approval of the authorities there. The latest report covering the period from September 18, 1961, to October 13, 1961, reveals that 268,000 sheep were inspected at markets and on properties throughout South Australia. A further 7,500 were checked at the Yamba road block. Only 850 were found to be carrying burr and all were reported by the inspectors to be lightly infested. Both permanent inspectors are now enjoying the full co-operation of stock salesmen and are confident that the measures being taken to control the burr are proving well worth while.

The co-operation received has been gratifying. In addition to the two permanent inspectors a large staff of departmental officers have been employed on this work from time to time, and the work has been particularly arduous at times. I went into the pastoral country some months ago during the cold season to see some of the stock inspection. It was tough work and the officers were doing it well. The co-operation from companies and private people has been of a high order.

SOLOMONTOWN BEACH WALL.

Mr. RICHES: In reply to earlier questions about the building of a beach wall at Solomontown, the Minister of Marine asked for assurances from the Corporation of Port Pirie and from the Broken Hill Associated Smelters that together they would guarantee to find £12,000 of the estimated cost of £27,500 to be spread over a period of years. That undertaking has been given by both bodies. Can the Minister say whether he will authorize that work to proceed?

The Hon. G. G. PEARSON: Subsequent to Cabinet approval in principle, I wrote to the contributing bodies which, through the honourable member, replied that they were agreeable to the terms for providing their contributions on a basis acceptable to the Treasurer. I have sighted that letter, have sent it to the General Manager of the Harbors Board, and have instructed him that the work should proceed. I have also written to the honourable member (that letter is in transit and he will receive it soon) confirming that. I thank the honourable member for his assistance in this matter and, particularly, for his help in reaching agreement with the parties concerned.

STRATHALBYN ROAD.

Mr. JENKINS: I understand the Minister of Works has a reply to a question I asked on October 11 concerning the condition of the bitumen road between Strathalbyn and Double Bridges.

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, informs me that the condition of the Sandergrove-Finniss section of the Strathalbyn-Goolwa Main Road No. 276 has been known for some time. Maintenance is in progress. Although reconstruction of this section will be necessary in the not distant future, it is considered that by intensive maintenance it can be held in a reasonable condition for some time.

MILLICENT HOUSING.

Mr. CORCORAN: Yesterday I asked the Premier whether he could report on the construction of homes for widows and aged persons at Millicent and he said he hoped to have that information today. Has he anything to report?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Housing Trust reports that the trust completed five houses at Millicent with grants made under the Country Housing Act and that another two houses will be completed within a few weeks.

ANZAC DAY.

Mr. STOTT: The Premier no doubt realizes that next year Good Friday will fall on April 20, Easter Monday on April 23, and Anzac Day on April 25, which means that one working day will occur between two public holidays. Has the Government considered this and does it intend to approach the Returned Servicemen's League suggesting that the Anzac Day holiday be held on the Tuesday, thereby overcoming the intervention of a working day between two public holidays? As I have been advised that some adjustment can be made, will the Premier examine this matter and report on it?

The Hon. Sir THOMAS PLAYFORD: I do not think there is any doubt that any suggestion of altering April 25 as a holiday would be most bitterly resented by all returned servicemen who hold this day dear. The honourable member has only to consider the way in which the holiday is observed and it is clear that, unlike other holidays, where the nearest Monday is sometimes used instead of the correct day, Anzac Day is always held on the day on which it occurs (unless it falls on a Sunday, when an additional holiday is given on the following Monday). I am sure there is no point in taking up this matter with the Returned Servicemen's League.

INSECTICIDES.

Mr. QUIRKE: In the October issue of the *New Zealand Journal of Agriculture*, under the heading "Use of Some Stock Insecticides Prohibited—To be Withdrawn and Compensation Paid", appeared the following article:

The withdrawal from farms and from trade channels of a large number of insecticidal preparations that have been used for the control of parasites on stock and for the control of flies is required under the provisions of regulations recently gazetted. Extensive investigations and testing of livestock products have shown that active ingredients in some insecticides tend to leave residues in the products from treated livestock; and that alternative chemicals now available are much safer to use and do not involve risk of residue. The use on livestock of preparations containing aldrin, dieldrin, benzine, hexachloride, lindane, D.D.T., and methoxychlor is prohibited.

There follows a list of over 100 commercial items on sale in New Zealand that are to be withdrawn; the Government will compensate the people who have purchased them. Has the Minister of Agriculture considered doing this in South Australia? Does he consider it necessary to take such action here in relation to the items I have mentioned?

The Hon. D. N. BROOKMAN: This is a matter on which I should like to give a full reply; I shall get a reply, if possible, tomorrow.

SCANDIUM.

Mr. CASEY: I understand that 10,000 tons of tailings at grass on the field at Radium Hill contains, in the opinion of experts of the Mines Department, a considerable quantity of the rare metal scandium. Before the Director of Mines went overseas, a pilot plant was installed at Port Pirie to extract and treat scandium. Can the Premier say whether the extraction process was successful and, if it was, whether it would be in the interests of the State to treat all the tailings at Radium Hill to obtain scandium? Can he also say what Mr. Barnes reported regarding his negotiations overseas over the sale of scandium?

The Hon. Sir THOMAS PLAYFORD: The honourable member is correct in saying that the Australian Mineral Development Laboratories have worked out a treatment for the by-product scandium contained in the ore mined at Radium Hill. Several pounds of this metal was sold at satisfactory prices, and there is a substantial quantity of this metal in the dumps at Port Pirie which have already been ground and which would be suitable for treatment. I am not sure what the material is used for; possibly it is used in an alloy for the nose cones

of rockets. I understand, however, that the market is very limited indeed, and I do not think there is any possibility of a substantial commercial enterprise being established. Mr. Barnes's report went direct to the Minister: it did not come under my notice, and I am only quoting what I believe the position to be. However, I will check and inform the honourable member, I hope tomorrow.

HIRE-PURCHASE.

Mr. DUNSTAN: Recently there has been in South Australia a most undesirable practice followed by most major hire-purchase companies in this State financing car sales. The practice is that, when a vehicle is repossessed or is returned to the owner, the company makes a claim upon the hirer for the full amount of the hiring charges, although under the agreement it is not entitled to any such sum. It then sets forth some fairly complicated calculation which results in an amount being claimed by the hire-purchase company considerably in excess of the hirer's liability under the hire-purchase agreement, and threats are made of legal action. The aim of the hire-purchase companies is to get these people to come to some agreement about the payment of the amounts outstanding, and I have seen promissory notes signed by people for amounts for more than they were actually liable under the hire-purchase agreement. If they fail to keep their agreement under the promissory note, they are sued on the promissory note and not the hire-purchase agreement.

I have before me a letter from Lombard Australia Limited to people in my district who originally agreed to purchase a 1953 Holden sedan for £653 17s. total hiring charges. The car was most unsatisfactory, and after the payment of £145 6s. the car was off the road for a period. There is a dispute as to whether it was returned or repossessed, but at any rate it got back into the hands of the hire-purchase company, there then being outstanding some £72 in instalments. Under the hire-purchase agreement the amount due to the company was the amount of any outstanding hire and an amount by which the amount already paid was less than half the total hiring charges. That amount would have been £258 19s. in all. The company wrote claiming £653 17s., less £145 6s., less £52—what that is I really do not know, but it is some fictitious figure—plus repossession expenses, less the proceeds of the resale. I found that the car was sold at auction for £140. The claim, therefore, was £322 1s. The company goes on to say:

> Settlement is required within 3 days, or alternatively you may wish to call personally and discuss this matter. Failure to comply with this demand will be viewed seriously by our legal department and would result in further drastic action.

Today the Realization Officer of that company agreed with me that in fact the amount claimed is in excess of the amount which that company can legally claim under the hire-purchase agreement, but he told me quite frankly that that is the standard practice of his company and that it intends to go on doing it, and to claim an amount in excess of what it is entitled to under the Hire-Purchase Agreements Act. People are being misled by this sort of thing. This is not the only company that is doing it: several major companies in South Australia are following this procedure. I have no hesitation in saying that in my view these claims are fraudulent and improper, and that action should be taken against the hire-purchase companies that are doing this sort of thing. Will the Minister of Education ask the Attorney-General to conduct an investigation into cases of this kind to see whether some action can be taken against such companies.

The Hon. B. PATTINSON: It would seem to me that the practices outlined by the honourable member are contrary at least to the spirit if not to the letter of the Hire-Purchase Agreements Act, but I shall be pleased to refer the whole of the honourable member's statement and question to my colleague the Attorney-General for investigation. I am interested in the question myself. As a representative of a large metropolitan constituency, I know that there is a widespread avoidance, if not evasion, of the provisions of the Hire-Purchase Agreements Act.

Mr. FRED WALSH: I should like to quote from a recent edition of a Sydney daily newspaper as follows:

> S.Ms. Warn of Retail Practice.—The growth of a new retailing practice that robs the public of the protection of hire-purchase legislation has alarmed New South Wales magistrates. The magistrates say at least three leading organizations are using the practice to unload surplus stock on the public. Under the practice, a customer is asked to sign an agreement which resembles a hire-purchase agreement. In fact, it is a contract of sale—payment to be made by instalments. The contract means the customer has to go on paying his instalments, no matter what the circumstances. The contract thwarts the hire-purchase legislation, robbing the customer of:

warranties; the right to surrender the goods or have them repossessed; minimum deposit provisions; limited interest and "charges" requirements. "Obviously the adoption of the device makes the position of the retailer using it much easier and probably cheapens his administration." "The public should be warned to insist on the protection of a genuine hire-purchase agreement."

Will the Minister of Education consult the Attorney-General on this matter with a view to asking local court magistrates to examine all documents carefully to watch for this practice when dealing with hire-purchase disputes?

The Hon. B. PATTINSON: Yes; I shall be pleased to do so.

Mr. LAUCKE: I am not one to bring up individual problems in this place but, when a grave injustice appears to have been done, I feel I should refer to it and ask that it be investigated. This morning I was advised that a migrant family had taken delivery of a car in December last under a hire-purchase agreement at a cost of £600. A deposit of £60 was paid, and payments have been made since December. Recently, this Dutch family found it could not meet its commitments and asked the company to repossess the vehicle. That was done, and yesterday an account for £400, together with a demand for payment within seven days, was received. Will the Minister of Education ask the Attorney-General that, when the matters referred to by the member for Norwood are being investigated, this be also investigated, as I can see in it dastardly trade practices?

The Hon. B. PATTINSON: I shall be pleased to refer the question to the Attorney-General for investigation. In my opinion it is not necessary for any member of Parliament to apologize at any time for taking up an individual case in this House. I think it is part of our right and privilege and, indeed, our duty to protect the rights of individuals.

PUBLIC RELIEF.

Mr. LAWN: Has the Premier a reply to the question I asked recently concerning relief given by the Children's Welfare and Public Relief Department to new arrivals in the metropolitan area?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Children's Welfare and Public Relief Board reports:

The Children's Welfare and Public Relief Department receives applications from destitute persons whether they have been local South Australian residents for some time or have only just arrived in South Australia. Each case is dealt with on its merits under approved arrangements. To test the *bona fides* of new arrivals particularly, the department does not consider the case until the applicant has first registered for work at the Commonwealth Employment Office or has applied for Commonwealth sickness benefits, whichever is appropriate. When this has been done, and if the applicant has been able to satisfy the department's staff of his destitution, he is given assistance. If he is a married man with a family he is granted cash relief. If he is a single man he is not normally given cash, but is offered accommodation, at departmental expense, at one or other of two hostels that have arrangements with the department to take single destitute men.

PARAPLEGIC CENTRE.

Mr. FRANK WALSH: Has the Premier a reply to the question I asked some time ago concerning the establishment of a paraplegic centre at Northfield?

The Hon. Sir THOMAS PLAYFORD: The Director-General of Medical Services reports:

Following approval having been given to proceed with phase two of the Royal Adelaide Hospital paraplegic unit at Morris Hospital, arrangements are now being made to endeavour to engage the necessary staff and proceed with the establishment of the unit. It is now recommended that you take the following action:

1. Arrange for the question asked by the Leader of the Opposition on October 10, 1961, now to be answered to the effect that approval has been given for phase two of the paraplegic unit of Royal Adelaide Hospital to be set up at Morris Hospital, and that action is now being taken to recruit the necessary staff and open the unit.

2. Because of the tuberculosis agreement between the Commonwealth and the State, advise the Commonwealth Minister for Health of the fact that the reduced number of tuberculosis patients now makes it unnecessary to reserve ward 4 at Morris Hospital for tuberculosis cases, and, therefore, it is proposed to use it for the establishment of the paraplegic unit of Royal Adelaide Hospital with the cost of its operation being kept separate, so that it will not be included in the State's tuberculosis claim on the Commonwealth.

RIVER LEVELS.

Mr. KING: Has the Minister of Works a reply to my recent question about River Murray levels?

The Hon. G. G. PEARSON: I have not all the information requested in the honourable member's question. Some would take a considerable time to prepare, but I have at least answers to some of the points he raised. I have been advised by the Engineer-in-Chief that the flow in the River Murray over the last several months has been well above our entitlement under the River Murray Waters Agreement. The flow in September was consistently over 8,000 cusecs and in October over 4,000 cusecs. This State's entitlement

for each of these months is 1,900 cusecs. Throughout this period the upstream level at Lock 5 has been kept between 4in. and 6in. above normal pool level. The absence of a river flow of minor flood proportions is due to the lack of heavy rains on the catchment areas and the blocking off of the Darling water has little bearing on the flow. Lake Victoria is at full supply and the flow down the river supplemented by Lake Victoria will be sufficient to maintain our entitlement for the next season. Lake Victoria will be regulated when necessary to ensure sufficient flow down the river and, whilst every endeavour will be made to keep Lock 5 pool approximately 6in. above normal, no guarantee of this can be given.

ORRORROO-MANNANARIE ROAD.

Mr. HEASLIP: I understand that the sealing of the Orroroo-Mannanarie Road has been included in the forward planning programme of the Highways Department. I have received a letter from the District Council of Orroroo, in which it asks that consideration be given to sealing Main Road 150 from Georgetown to Orroroo. The letter continues:

If this road were sealed it would provide the residents of Orroroo, Pekina, Tarcowie and Caltowie, together with an area well populated with farmers, with a sealed road direct to Adelaide.

Incidentally, it would serve all people north of Orroroo in those areas. On those roads the particular menace is dust more than water or mud. That is a hazard when one is driving on those roads in present conditions. Will the Minister of Works, representing the Minister of Roads in this House, ask his colleague to consider the sealing of this road prior to the sealing of the Orroroo-Mannanarie road, because it would serve many more people throughout those northern areas?

The Hon. G. G. PEARSON: Yes.

BEHAVIOUR ON TRAINS.

Mr. RICHES: Representations have been made to me by parents of children attending the Teachers Training College in Adelaide or working in Adelaide who must go home by train. The parents complain that their daughters have been molested on the trains, and I have been asked to draw attention to this extract from a letter written by one of the girls concerned, who was in the Public Service and travelled from Adelaide to the north for the October holiday week-end. The incident referred to happened on the return trip. I am informed that this practice is growing on the holiday trains only, and I ask whether action can be taken to police the behaviour of youths on the holidays trains. I think that one of the best things that could happen would be to publicize what is going on so that other people might assist in putting down the practice. This is part of a letter from a girl to her parents in Port Augusta. She states:

The train position, though, is deplorable. I had a much worse trip back here than before—drunk schoolboys sitting on our laps trying to kiss us (boy, did we have trouble getting away from them). I'm dreading coming home. If it's too bad I am seriously thinking of not using this means of transport any more (that means not being able to come home). I admit, the trip scares me.

That is supported by a statement from another girl, and the parents of a third girl who is at the Teachers Training College also fear their daughter's using the train to come home at holiday times. Can the Minister of Works, representing the Minister of Railways, draw the attention of his colleague to this complaint and ask whether steps can be taken to control behaviour on those crowded holiday trains?

The Hon. G. G. PEARSON: Yes. I will certainly do that.

BIRDWOOD HIGH SCHOOL.

Mr. LAUCKE: An excellent site has been purchased by the Education Department adjacent to the Birdwood high school for the provision of an oval at that school. What stage have the plans for developing this area reached?

The Hon. B. PATTINSON: The honourable member wrote to me about this matter in September last. I referred it to the Public Buildings Department where it was examined by the Engineer for Sites and Surveys and the Assistant Principal Architect. It then went to the Director of the Public Buildings Department who, on October 25, reported:

It is regretted that pressure of more urgent work has prevented the preparation of a plan for the development of the oval site at the Birdwood high school. However, it is proposed to proceed with the necessary survey and design work as soon as opportunity permits. Once the scheme has been prepared it will be possible to estimate the cost and for this department to consider whether funds are available for this project.

PILDAPPA WATER SUPPLY.

Mr. LOVEDAY: Has the Minister of Works a report on the Pildappa water supply? I have received a letter from a resident of the area referring to the seriousness of the position and making a new suggestion. Will the Minister ask the Engineer for Water Supply to investigate that suggestion?

The Hon. G. G. PEARSON: Last week I saw the docket on this matter. The Engineer-in-Chief informs me that he is unable to vary his previous recommendation on the proposal. If there are any other aspects or new factors that may help solve the problem I shall be happy to receive the honourable member's representations.

ROAD REHABILITATION.

Mr. COUMBE: Has the Minister of Works a reply to my recent question about the rehabilitation of roads in my electorate?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, informs me it is proposed to carry out the reconstruction of Irish Harp Road and Islington Road between the railway line and Airlie Avenue when all the drain work is completed and should be commenced early in the new year. This work will be carried out by the Highways Department. The work of reconstructing Rakes Road is at present being carried out by the Enfield Council with funds provided by the department. Sections of this work should be completed within the next few months.

EGG PRICES.

Mr. BYWATERS: Last week I asked the Minister of Agriculture to refer to the Egg Board suggestions for advertising the cheapness of eggs at present. Has he a reply?

The Hon. D. N. BROOKMAN: The Chairman of the Egg Board reports:

With reference to the question of the South Australian Egg Board embarking on an advertising campaign, I have to advise that the board allocates a certain amount each year for advertising. For some years that amount has varied from £2,500 to £3,000 per year. It embraces shop window displays, advertising in three different journals and advertising on television. With present advertising which the board has followed on occasions little benefit has been seen from a sales viewpoint. The board feels that they get the most benefit from advertising at the point of sale, and that is at the storekeepers, and the board concentrates on the advertising in the shops with various types of cards and window displays, which are being constantly changed, sometimes weekly.

RHEUMATISM AND ARTHRITIS.

Mr. STOTT: The Queen Elizabeth Hospital is acclaimed as one of the largest in the Commonwealth, but it has no facilities for instructing student doctors in the treatment of rheumatism and arthritis. I understand that specialists have to be imported to South Australia to treat these cases. Will the Premier ask the Minister of Health to consider making arrangements whereby students can be trained in the treatment of these ailments?

The Hon. Sir THOMAS PLAYFORD: I will bring the question to my colleague's notice and let the honourable member have a reply in due course.

PORT PIRIE RAILWAY NUISANCE.

Mr. McKEE: It has been brought to my notice by residents of Port Pirie living adjacent to the railway line between the transfer sheds and the Port Pirie Junction station that considerable damage is being done to their homes through the discharge of grime from locomotives travelling back and forth between those sections. I have inspected their properties and the painting has been ruined, black spots are on the walls, washing cannot be dried in the open, and fruit and vegetables cannot be grown in the backyards. I understand that a petition has been forwarded to the Railways Commissioner, but a reply has not yet been received. Will the Minister of Works take this up with the Minister of Railways and request that this matter be treated as urgent?

The Hon. G. G. PEARSON: I will do so.

SALISBURY SCHOOLS.

Mr. CLARK: Has the Minister of Education a reply to the question I asked last week about new schools for the area south of Salisbury?

The Hon. B. PATTINSON: The Education Department has been negotiating for the purchase of sites for two primary schools and one high school in this area. One primary school site of 10 acres at Parafield Gardens is in the course of compulsory acquisition. At Salisbury Downs efforts are being made to purchase 30 acres for a high school and a primary school, but it may be some time before these negotiations are completed.

POLICE RADIO TRANSMITTERS.

Mr. CASEY: Recently the member for Whyalla asked a question about radio transmitters for police in remote areas, but I understand he has not yet received a reply. In my electorate there are many remote areas where police stations have been established. In the Far North, Leigh Creek, Oodnadatta and Marree are equipped with radio transmitters, but in the north-east section Yunta, Mannahill and Cockburn—also remote areas—have no transmitters. Recently a rabbit trapper was lost for longer than he desired

and if radio transmitters had been available to the police that search would not have been so prolonged. Will the Premier take this matter up with the Commissioner of Police to see whether those stations can be equipped with permanent radio transmitters or, if they cannot be provided, could those stations be equipped with portable transmitters?

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

OPALS.

Mr. LOVEDAY: Has the Premier a reply to my recent question about the opal mining industry?

The Hon. Sir THOMAS PLAYFORD: A comprehensive survey of the opal mining industry is about to be undertaken by the Mines Department and it will embrace all aspects of the industry. It is expected that that survey will take several months.

BUSH CHURCH AID SOCIETY.

Mr. LOVEDAY: Has the Premier a reply to my recent question about assistance for the Bush Church Aid Society to purchase a new aeroplane?

The Hon. Sir THOMAS PLAYFORD: In May, 1960, a special grant of £750 was made to the Bush Church Aid Society for repairs to damaged aircraft in addition to the annual maintenance grant of £1,000.

GUIDE DOGS.

Mr. DUNSTAN: I have received a letter from a blind law student who has a fully trained guide dog. The Premier will be aware of the services of these guide dogs to blind people in this State. Although regulations permit them to travel on public transport, they simply cannot go to certain places. For instance, although they are carefully trained and properly kept and are not in any way dirty, they cannot go into a place where food is being served. They do not have the disabilities attached to normal dogs, so one would not think there would be a reason to keep them out as one would normally keep out a dog from a cafe subject to the Metropolitan County Board. These dogs are excluded from certain places to which they would naturally want to go to be with their owners when the owners were getting food or receiving services of that kind. Will the Premier take up with the Minister of Health the possibility of amending the regulations or making some representations to the Metropolitan County Board to see whether some allowance can be made for people using guide dogs in this way?

The Hon. Sir THOMAS PLAYFORD: I think it has been generally recognized that these dogs do not rightly fall in the same category as other dogs: they are better behaved than some of their relations. Because of that, and because they are so necessary for the welfare of the owners, although it is not in accordance with regulations public transport authorities in South Australia have made a dispensation in their favour; there is no difficulty in that regard. Also, many private people also accept them. About a fortnight ago a question was asked about a dog that had been refused admission to a dining room with its owner. In that instance it was found that, although no regulations prohibited it, the proprietor did not desire to have the dog on the premises. A similar case was reported regarding a taxi. I will submit the question to my colleague, but I understand that the problem is not now one of official acceptance of the dogs, but rather that sometimes private people just do not understand their significance compared with that of other dogs that might accompany their owners into restaurants.

TRANSPORT CONTROL FEES.

Mr. RICHES: Yesterday I asked the Premier a question about fees charged by the Transport Control Board for the conveyance of emergency buildings, and he said that the board had agreed to levy a nominal charge of 5s. instead of 10 per cent on the total cost. When I asked whether that concession would apply to the buildings to which I had drawn attention, the Premier said he was not sure. He said that if I gave him details he would have the matter examined. The report refers to Messrs. Whiting and Sons who, he thought, were the people I had in mind. Whiting and Sons are the carriers, but the fees are paid by the organizations that purchase the buildings: they are three church trusts at Port Augusta, the Port Augusta high school, the Port Augusta high school oval, and a youth centre organization at Wilmington. In all, nine buildings are involved. Can the Premier now say whether this concession will apply to these buildings, the purchasers of which all come within the definition of charitable organizations? These buildings were all purchased at the preferential price of £50.

The Hon. Sir THOMAS PLAYFORD: I have been considering this matter, which is not without problems, because obviously the Government cannot return all fees collected under a different schedule every time fees are altered. For instance, the fees applicable

to the cartage of freight are to be altered from 10 per cent to 5 per cent. If the Government had to return all fees collected at the 10 per cent rate, I assure the honourable member that the Budget this year would receive a rather heavy knock, as those fees have been collected over a long period. Secondly, (and this has to be determined) if a refund is made in one case, how far back do they have to apply? Although the transactions mentioned are of recent origin, many similar transactions have extended back for many months. In the circumstances, the matter is not without some difficulty. Also associated with it are problems under the Audit Act. I have not yet reached a firm conclusion on the matter.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 31. Page 1630.)

Mr. FRANK WALSH (Leader of the Opposition): I support the Bill as far as it goes because it is remedial, but my complaint is that it does not go far enough. I understand it embodies the recommendations of the Workmen's Compensation Advisory Committee, and the Trades and Labor Council representative on that committee, Mr. R. Bishop, is to be commended for the removal of some of the anomalies and injustices which in the past were characteristic of the principal Act. The amendment proposed by clause 3 is welcome because it extends the cover to an apprentice travelling between his place of residence and a training school, in addition to the cover at present provided. I would like to have seen comparable cover applied to all employees, but at least this amendment is a step in the right direction. Clause 6 makes some minor improvements to the principal Act, because a small payment is proposed for damage to clothing, etc., as well as for personal injury, and clause 7 provides for the average weekly earnings to be assessed on the most recent information available.

The remainder of the Bill proposes, in the main, to increase the various benefits to bring them into line with present-day increased prices that this Government has not been willing or able to control in spite of the currently operative Prices Act, which is being extended by this Parliament during the current session. Examples of these amendments are contained in clause 4, which amends section 16 of the principal Act relating to payments in the event of death. It is proposed to increase the minimum benefit from £900 to £1,000, the maximum benefit from £2,750 to £3,000, and the dependent child benefit from £90 to £100 for each child. The average earnings for the four years prior to death are used as the basis for calculating the compensation eligibility. Let me illustrate what occurs in the other States and the Commonwealth. The latest information I have available is up to January this year, and, therefore, I do not know whether the other Parliaments have made any improvements to their legislation subsequent to that date. Not one of the States uses the average earnings of the previous four years in order to attempt to lessen the liability, as is the case in South Australia. The following schedule sets out the compensation granted to dependants in the various States in the event of death:

State.	*Benefit.* Death. Lump sum. £	Plus each child.
New South Wales	4,300	£2 3s. a week until 16 years.
Tasmania	4,000	£100
Western Australia	3,293	£90
Queensland	3,000	£100
Commonwealth	3,000	£100
South Australia	3,000	£100
Victoria	2,240	£80

Therefore, even though we cannot claim the first position, we can claim the second. The unfortunate part, however, is that we are second from the bottom rather than second from the top.

The amendments proposed by clause 5 have the result as set out in the following schedule when compared with the other States and the Commonwealth. The first column of the table illustrates the weekly payments which are mainly based on average weekly earnings subject to a maximum, whereas the other two columns list the total limits of compensation payable:

State.	*Maximum Payments.* Weekly.	Total incapacity.	Partial incapacity.
New South Wales .	A.W.E.	Unlimited	Unlimited
Commonwealth . ..	Weekly wage	Unlimited	£3,000
Victoria	A.W.E.—Max. £12 16s.	Unlimited, subject to board's direction	£2,800
Tasmania	75% A.W.E.—Max. £12 15s.	£4,000	£4,000
Queensland	A.W.E.	£3,300	£3,300
South Australia ..	A.W.E.—Max. £15	£3,250	£3,250
Western Australia .	A.W.E.—Max. £14 16s.	£3,018	£2,867

From a perusal of this table, members can see that on a weekly basis, and with partial incapacity, we approximate the benefits paid by the other States and the Commonwealth. However, on total incapacity—and this would be the time when any help offered by the Government insurance would be most acceptable—our State, once again, is second from the bottom as regards the benefits granted.

One amendment I should like to have seen is the removal of the limit on earnings of an employee so that all persons in employment would be covered by workmen's compensation. Another point that should be stressed is that there should be a more definite insistence that any person engaging labour must provide the necessary insurance coverage. I contend that whenever labour is engaged, even if on only a casual basis, it should be the responsibility of the proprietor of the engaging organization or a subcontractor to that organization to provide adequate coverage. The Act defines the "workman" as being deemed to be a person earning less than £45 per week, but for the life of me I cannot understand why there should be any limit at all. Three of the other States and the Commonwealth do not have any limit on the definition of "workman". Many executives in big industry earn salaries or wages that preclude them from being covered by the Workmen's Compensation Act, yet many are prone to injury the same as the workmen under their charge who receive less than the maximum allowed under the Act. I cannot see any virtue in a limit. All persons who are engaged in occupations should be covered by Workmen's Compensation legislation, irrespective of salaries or wages.

I have consulted on this matter with leading officers of the Trades and Labor Council, which is charged with caring for the interests of workers, particularly in matters of this nature, and I find that, whilst they, like the members on this side of the House, are not completely happy about the restricted scope of the amendments, they are to a degree satisfied that the Bill should be accepted because of its beneficial provisions—namely, the increase in the maximum compensation, the increase in weekly payments, and the *pro rata* increases in all other amounts at present fixed by the Act. So that workmen who may be unfortunate enough to suffer injury shall have the benefit of this cover as soon as possible, I support the Bill.

Mr. LAWN (Adelaide): I support the second reading. I do not intend to traverse the ground already covered by the Leader. I agree with what he has said. He referred at one stage to the fact that, so far as the lump sum payable on death was concerned, South Australia was the second lowest State in the Commonwealth. The Leader correctly said that the reason was that South Australia had a Liberal and not a Labor Government, and the Liberal Government had shirked its responsibilities in this matter. It has shirked its responsibilities to the people of this State, passing the responsibility for making recommendations for the amendment of this Act to three people—the Parliamentary Draftsman (as Chairman), a representative of employers, and a representative of the Trades and Labor Council. Whilst the representative of the Trades and Labor Council naturally asks that this Act shall be brought into line with similar Acts operating throughout the Commonwealth, the employers' representative opposes that. The Chairman, of course, then makes the decision, and he is apparently deciding against bringing South Australia into line with the other States. That is wrong. If the Parliamentary Draftsman is working on instructions from the Government, it is wrong. I draw the attention of the House to that. It is wrong for the Government to say that, if the rights and the justice of claims of workmen meeting with an accident are not the same here as in other States. The workman in South Australia bound by this Act should receive no less compensation than a neighbour of his working for the Commonwealth Government. The same argument applies to his wife or children.

Another partial move towards providing adequate compensation is in respect of a workman travelling to or from his place of employment. The original Act provided no cover for workmen travelling to or from their place of employment, but that cover was provided later where the employee travelled in a vehicle provided by the employer. Later it was amended to cover apprentices going between their places of employment and the trade school; now it is amended to cover an apprentice going between his place of residence and his trade school. Does that also include an apprentice travelling from his trade school to his place of residence? I hope it does. If it does not, again it shows the difference in this State's approach in making these recommendations.

Mr. Clark: I think you will find it definitely does.

Mr. LAWN: It says "between his place of residence and the trade school". It does not say "between the trade school and his place of residence". That is my query. There is no reason whatsoever why there should be different categories in this payment of compensation. Why should not every workman be covered, whether he is a workman or an apprentice, whether he is going to work or coming home, whether he is travelling to his place of employment or back again, whether he is travelling to or from his trade school—all should be covered in the same way. The Leader referred to the lump sum amounts of compensation provided under the various State Acts in the case of death. He said that South Australia occupied the second last position. New South Wales occupies the first position. I have said here repeatedly (and last week I said it again) that South Australia is at the bottom in the matter of workmen's compensation. Members opposite referring to New South Wales claimed that it did not have a better superannuation scheme than others by reason of its having a Labor Government. In this regard New South Wales is No. 1, in the amount of money paid on the death of a workman. The smallest State in the Commonwealth (Tasmania) occupies the second position. The amount referred to by the Leader for Western Australia was the amount payable last December. Section 4 of the Workmen's Compensation Act of Western Australia provides that the whole of these payments in regard to workmen's compensation shall be adjusted in accordance with the decisions of the Arbitration Court in regard to the basic wage. The basic wage has increased by 15s. this year; Western Australia would still be third in the table, but its amount would be greater than the amount stated by the Leader.

Mr. Shannon: It would be closer to the second State?

Mr. LAWN: Yes, it would be closer to the second State, Tasmania, but it would still occupy third position. Victoria is the lowest. In regard to a workman who is off work for a period and is receiving weekly payments, again New South Wales occupies first position, in conjunction with the Commonwealth and Queensland. The second position is occupied by South Australia, but in that case we occupy a position second to three other compensation Acts—the Commonwealth Act, the New South Wales Act and the Queensland Act. Western Australia is next with £15 11s., because 15s. has to be added to the £14 16s. Tasmania is last in that regard. Turning to the maximum payments for total incapacity, again New South Wales occupies first position, in conjunction with the Commonwealth and Victoria. The second position is occupied by the smallest State of Australia, Tasmania. Then comes Queensland, South Australia, and Western Australia last. We cannot boast of the deal that this Government is giving South Australian workers. Compared with the other States we are one of the worst in the Commonwealth. The Government boasts of our sound financial position (it amounted to a £2,000,000 surplus earlier this year) and frequently refers to the fact that there is less industrial unrest in South Australia than elsewhere, yet this Bill represents the repayment the Government gives to the workers for not participating in industrial disputes.

The definition of workmen has not been changed and refers to workers who receive not more than £45 a week. I cannot, for the life of me, understand why all people who work for a living should not be covered by workmen's compensation. It does not matter whether a man is a Cabinet Minister, a judge or a business executive, he is performing some service for the community and if he is killed in the course of his employment his wife and children should not suffer. There should be no discrimination. I hope it will not be long before the Government occupying the Treasury benches considers these matters and brings our legislation into line with the legislation in other States.

Mr. COUMBE (Torrens): I support this important Bill which affects so many of the work force of our community, especially those

employed in factories in the closely populated areas. Were it not for certain provisions in the Act, many men and their families would be subjected to hardship in the event of injury to the workers. Whereas the two previous speakers commenced by supporting the Bill and then proceeded to tear it to pieces, it has my wholehearted support because generally the benefits provided are worth while. Almost all of the financial provisions have been amended to provide for increased compensation payments. The maximum payment in the case of death has been increased to £3,000 and for incapacity to £3,250. This represents a 10 per cent increase above last year's increase which was also an increase of 10 per cent above the 1958 provision. Compensation payments are being increased gradually to fair and reasonable amounts in the circumstances. They have been recommended by the Advisory Committee on Workmen's Compensation, which consists of an employee's advocate, an employer's advocate and the Parliamentary Draftsman as Chairman. In recent years increases have been provided to compensate for the increased cost of living and I hope they will always remain slightly ahead of the cost of living.

The weekly allowances have also been adjusted. This is important because these provisions apply most frequently. We hope that fatalities are few and far between, but the normal weekly compensation payments are often required and it is essential that they be adjusted. Hitherto a tradesman could get £14 5s. a week compensation, whereas under this amending legislation he will be able to receive £15. This increase is slightly above the recent increase of 12s. in the basic wage. The Bill contains innovations relating to minor factors which occur rarely and which were not contemplated when the Act was introduced originally. Mention has been made of persons about to get married and of men whose wives have to leave work to look after them. Increases in hospital and ambulance payments are provided. I am pleased to see the provision relating to compensation to a workman whose spectacles are damaged. A man can be faced with heavy expense if his spectacles are damaged.

The provision relating to compensation for apprentices attending school is vital because we must encourage lads into industry as apprentices. These boys are compelled by law to attend for certain schooling. They are paid for it, but they are legally within the employ and under the control of their employers and should be covered by workmen's compensation. The Bill generally will be welcomed by most persons in industry and I commend the Government for its introduction. I pay a tribute to the work of the advisory committee which is confronted with the problem of examining the various aspects of workmen's compensation. I congratulate its members on their report. The Bill is a result of their recommendations.

The member for Adelaide criticized the Government for not introducing workmen's compensation recommendations itself, but as the Premier said earlier, this Government has never initiated amendments to this legislation and it deliberately established the committee (representing both sides of industry) to do so. The Government believes that amendments should not be introduced by a political Party. I hope this type of system can be maintained. I wonder whether the Labor Party, if it gained office, would bring in legislation to deal with this matter and disband the committee, thus preventing both sides from putting forward their views. I hope that the advisory committee continues to do the work it has been doing for many years, giving to both sides of industry an opportunity to put their points of view to the Government, whatever political colour it may be. I commend the Bill, which I hope has a speedy passage through the House.

Mr. McKEE (Port Pirie): I support this Bill, which is an important measure dealing with legislation the overhaul of which is long overdue. The member for Torrens said it contained some worthwhile benefits. Although I admit it contains a few improvements, it still falls far short of what I consider is necessary to make it a respectable and worthwhile Bill. The Leader and the member for Adelaide have clearly outlined amendments necessary to make this legislation satisfactory, and I do not intend to go over the ground they covered. However, one important item needs to be considered. Under the present legislation it is not compulsory for an employer to take out an insurance policy to cover his workers; he can, if he wishes, carry the risk himself.

My union has had a special case recently in which a shearing contractor had a policy that he allowed to lapse. One of his employees, while going to work in the employer's vehicle, had an accident and was killed, leaving a wife and family. To avoid his responsibilities, the contractor declared himself bankrupt. Possibly there have been other similar cases, but, as I

know of the facts of this case, I am putting it forward and asking that it be considered. Through the neglect of the employer, the workman's dependants have no protection. Before anyone can take a car on the highway he must have a third-party insurance policy in case he injures anyone whereas an employer is not forced to take out a policy in favour of employees. As a result, dependants can be left without protection. Before a bookmaker can operate on a racecourse, he must give a guarantee to the punter that if he is lucky enough to win he will be paid, but small contractors and other people employing a few men sometimes do not bother to cover their employees, either because they forget or because they do not think the matter serious enough to consider.

Mr. Coumbe: That is only under the Pastoral Award, isn't it?

Mr. McKEE: I have known of several cases where cleaners in city offices have not been covered by workmen's compensation. I feel this Bill should contain a clause to make it compulsory for employees to cover their workmen and that severe penalties should be prescribed for not doing so. I do not know to whom the dependants of dead workmen can appeal. Some people can appeal to the Government for recovery but, when a person is declared bankrupt, people have no hope of recovering. I ask the House to consider a provision of this nature.

Mr. STOTT (Ridley): I support the Bill, which is certainly an improvement in providing greater compensation. It has been introduced as a result of an inquiry by the advisory committee into what compensation should be paid. This committee made a recommendation after investigating the premiums income of companies. I am perturbed to find, however, that it has confined its statistical information to tariff companies and has not sought any information from non-tariff companies. I do not know what proportion of workmen's compensation policies, particularly those relating to primary producers, are held by tariff companies compared with non-tariff companies, but I believe a big proportion would be held by non-tariff companies. As the committee did not have evidence relating to non-tariff companies, it did not have the necessary evidence of premiums income on which to make its calculation. Such evidence may have affected the result. I consider that the committee's report is incomplete. If tariff companies have fixed their premiums on the evidence they have had, and if the ratio of claims is higher than the premiums income, the 17½ per cent concession given by non-tariff companies may have caused some miscalculations regarding the claims made by primary producers on their policies. I do not oppose this Bill in any shape or form, but if the committee is to continue—which I think it will—I should like to see it call for evidence from the non-tariff insurance companies.

Before third-party insurance premiums are adjusted, all the statistics regarding accidents to primary producers' vehicles of all types must be examined. The Premiums Committee obtains all possible statistical information and is able to submit a full report. The same thing should apply to workmen's compensation insurance. I cannot see why the committee of inquiry that is responsible for amendments to the Bill should not make the same inquiries as the Premiums Committee does regarding third-party insurance premiums. I recommend to the committee that it fully investigate all primary producers' claims, because it might find a different result altogether. In the absence of such action I think its inquiry is incomplete, and during the next twelve months I should like to see the committee go into the whole question.

Mr. FRED WALSH (West Torrens): I support the second reading. Members on this side always welcome amendments to the Workmen's Compensation Act, because we know that they are the result of recommendations of the advisory committee that has been set up by the Government. Certain views have been expressed from time to time regarding the composition of the inquiry committee, and sometimes its recommendations have been criticized, but the fact remains that the parties principally concerned—the Trades and Labor Council and the Chamber of Manufactures—have seen fit to continue their representation on the committee. Although it is true that certain of the recommendations that have come before us have not been the result of a unanimous decision, they have been accepted by the Government as recommendations, and we on this side of the House accept them as such.

We regret that certain provisions in the Bill do not go as far as we should have liked to see them go. Our attitude towards the provision of cover for a workman while travelling to or from work is well known. It has been debated almost every session during my long sojourn in this Parliament, but unfortunately we have not

been able to get the Government to agree to our way of thinking. Only two States in the Commonwealth do not provide this cover—Tasmania and South Australia. The reason for that is best known to the Governments of those States. We know that the employers' objection is that the cost of premiums would be increased. The member for Ridley (Mr. Stott), who has just resumed his seat, had little to say on the Bill, but he criticized the committee for not taking evidence from certain parties. He referred to third-party insurance, but that has nothing to do with this matter. Where he got his information about where the committee obtained its evidence is beyond me, because no reference is made either in the Bill or in the recommendations as to whether the committee obtained evidence from the tariff insurance companies or the non-tariff companies. Therefore, I think the honourable member did not understand what he was talking about.

The Hon. D. N. Brookman: You do not think he explained all aspects of his argument properly?

Mr. FRED WALSH: He made suggestions that the committee should take certain action between now and next session, but the fact remains that in this legislation we are not dealing with figures. The committee—I hope, at any rate—is dealing with justice and the needs of the people who are to be covered by this legislation. The amendments that have been agreed to are an improvement, and Opposition members are anxious to accept them without delay.

It is unfortunate that legislation of this kind comes before Parliament in the dying stages of the session, because that does not permit adequate time for debate. We have in the back of our minds all the time that any delay could be detrimental to the very people we desire to help, and irrespective of how small the improvements may be, we appreciate that they should be provided for the workmen as soon as possible. If delay results in the non-passage of the Bill this session, it will mean that we will have to wait until next year before workmen can benefit from the provisions.

The member for Adelaide (Mr. Lawn) said he did not believe that the amendments properly covered an apprentice going from his place of residence to a trade school or technical school, but I am sure that all other members will agree that there is no doubt about it because it is specifically written into the clause. If an apprentice meets with an accident in the course of travelling from his place of residence to his trade or technical school or other training school he is entitled to compensation. That is an advance on the existing legislation, and I was pleased to hear the member for Torrens (Mr. Coumbe) commend the Government for introducing it. He pointed out that it was necessary to provide incentives for apprentices, and he believed that this was one way of providing an incentive.

Actually, it goes a little further than what had previously been accepted. Although some people may think it is only the thin edge of the wedge, I hope that it will not be regarded as such but that it will be a change in thought and coming around to that which is accepted, as I said before, in every State of the Commonwealth except Tasmania and South Australia. But it is pleasing indeed to see that the committee has gone even that far.

Another provision covers a position not previously covered—where the wife of a person entitled to compensation may be employed and thus not wholly or partly dependent upon him. For that reason, she has been denied the benefit of the wife's allowance. But the new provision means that, should she cease to work as a result, possibly, of injuries sustained by her husband, necessitating her remaining at home—

Mr. Shannon: She might be a nurse.

Mr. FRED WALSH: She might be a nurse and required to stay at home to attend to her husband. Under the Act she would not be entitled to benefit, but the Bill covers that position. It is again pleasing to see that that is provided for. Then a workman who is the victim of an accident may be engaged to a girl (although it is immaterial whether or not he is engaged) but, during the period of his incapacity, if he sees fit to get married while receiving workmen's compensation, the girl becomes entitled to the wife's allowance from the date they get married. That is accepted unanimously by the committee and is welcome to this side of the House.

The provision in regard to clothing is a worthwhile amendment to the Act. In the past a man could be injured and suffer damage to his clothing but would receive no compensation, whereas now he will be entitled to compensation for repairing or replacing clothing (some of which may be costly, particularly where it is not provided by the employer) if it is damaged in an accident. Now, he will get compensation up to a maximum of £25. It is also provided that he does not have to be

out of work or incapacitated for any length of time. In the past there has been some doubt about that, but this Bill clarifies the position and provides for the payment of compensation in respect of the items listed in the schedule where damage occurs or replacement is necessary. At present if a person meets with an accident in the course of his employment, he receives the rate of pay proportionate to that which he was receiving at the date of the accident. It might well be that shortly after or during the period of his incapacity there was an increase in the basic wage, which would automatically mean an increase in his own wage if he had continued in his employment; or it could be that, as a result of court awards, his wage would then increase if he had continued in employment and he had not had an accident. Clause 7 covers that position. It means that, if there is any adjustment in the basic wage or in the award rates, his payments are adjusted accordingly. That is a worthwhile amendment.

Deafness has been added to the schedule—another worthwhile amendment. Taking it by and large, while we are unhappy generally that the committee did not see fit to raise the rates of payment for death higher than £3,250 (for that is not even average compared with other States, and we should not regard ouselves as a poverty-stricken State since we often hear it referred to as one of the most prosperous States in the Commonwealth and, therefore, we should be prepared to share our prosperity with those not working through incapacity from injury suffered at work) we commend the Bill and hope that soon the committee will see fit to align itself with the general thought obtaining throughout Australia in respect of coverage to and from work.

Mr. HUGHES (Wallaroo): I support the Bill. Although I am intensely interested in each clause, I am particularly interested in clause 3 because it is part of what the Labor Party has been agitating for for many years. I regret that the Government cannot see its way clear to introduce legislation to cover all workers going to and returning from their place of employment. However, this is a step in the right direction. In time it must of necessity become general, to cover all workers at least going to their place of employment. When an accident happens to a person going to or returning from work (and it does happen), unless the nature of the accident is such that there is no doubt in the minds of the parties concerned that the injured person can be exonerated from all blame, a working man has no possible chance of recovering any amount to cover treatment by a local qualified medical practitioner or nursing, hospital or ambulance services, even though he was only a few yards from his regular place of employment when the accident occurred.

Such an accident happened at Kadina. The person concerned was injured while performing a public service to the town of Kadina. He was at the time of the accident on his way to take up his evening duties as a member of the Kadina Fire Brigade. As a result of injuries received, he spent nine weeks in the Kadina hospital and, after discharge from that hospital, he was confined to his bed for a further 10 weeks at his home with his leg in a frame. Since then he has been transferred to a hospital at North Adelaide for specialist treatment. I understand he is still there, with his leg in plaster. It is expected that he will remain there for some time before he is fit to get around again.

This person has been informed by the Fire Brigades Board that he will not receive compensation or maintenance from the department. He has recently received advice that he has no claim under third-party insurance. This means that he, his wife and five small children must exist for an indefinite period in the future on about £6 a week of social service benefit. This is not a large sum when distributed among a family of seven, and certainly it is not a bright prospect for a young man to be confined to his bed thinking this over from day to day. I sincerely hope that when the committee meets again to consider further amendments to the Act it will seriously consider recommending provisions whereby persons going to and returning from work will be covered. In these days of automation, we should not overlook the fact that thousands of workers are still required for the State's future progress. We have an obligation to the workers who have materially assisted the development of this country. While I commend the Government for introducing this Bill, particularly the provisions relating to apprentices, I hope that consideration will be given to bringing all workers within the scope of this legislation.

Mr. RYAN (Port Adelaide): Whenever the Government introduces amendments to the Workmen's Compensation Act it restricts the Opposition. A Bill is introduced in the dying hours of a session and we are told, in effect, "Take it or leave it." We have not had a full debate on this legislation for a long time,

and this legislation is extremely important to the workers in industry. I do not decry the work of the committee that makes recommendations to Parliament, but Parliament determines the State's legislation and it should have the right to debate its merits and should not be restricted to accepting recommendations submitted by a committee. If that committee's recommendations call for improvement according to the majority of members here, amendments should be made. We should not be hamstrung in our consideration of this legislation.

I know of no provisions that are so hotly disputed by employers as claims under the Workmen's Compensation Act. Employers will not budge from what they consider to be the requirements of the Act. Not only is the person who may be a recipient of compensation payments involved, but his union is confronted with heavy expense in fighting for his rights. While this Bill improves slightly some of the entitlements, some provisions call for criticism. Whilst provision is made for compensation to an apprentice injured when travelling between his place of residence and a trade school, as is required by law or at the request of his employer, the words "if at the time of the accident the apprentice was travelling in accordance with arrangements made with the employer in connection with the journey before the commencement thereof" could lead to litigation. An apprentice may arrange with his employer to travel by bus, but because of circumstances he may ride his bicycle and be injured. The employer would use the words I quoted as a means of escaping his obligation under the Act. It is no good saying that these things do not happen, because it is amazing what happens when an employee claims compensation. He frequently has to spend a lot to press his claim.

I do not agree with the provision of £3,000 as the maximum amount payable in the case of death. On today's earnings that would represent, in some cases, just over two years' wages. I cannot agree that we can place a monetary value on the life of a person. It would be far better to base the compensation on a person's expectation of life. It may be argued that for a person nearing the retiring age £3,000 is sufficient, but if a person of 25 years is killed through no fault of his own and the compensation is fixed at only £3,000 that will be a terrific imposition on his dependants. Parliament should not place a monetary value on that man's life. It should be left to an authority to decide that man's life expectancy and to determine adequate compensation so that no hardship accrues to his dependants.

If we seek to alter this Bill we will be accused by the Government of delaying the payment of some benefits to workers. The weekly rate is to be increased from £14 5s. to £15. What concerns me involves an industry with which I am familiar and is related to this increase. One of the chief arguments against the payment of compensation is in regard to employees who suffer recurring injuries. When an employee is injured and applies for compensation for a fresh injury at the increased rate, some employers take the attitude that it is a recurring injury and that the workman is entitled only to payment at the rate he received when he sustained the original injury. Litigation is then necessary, and the employee and his union are faced with an unwarranted heavy expenditure. The legislation should have an interpretation so that the workman would get the sum to which he was entitled instead of having to resort to litigation.

About 12 months ago, after I had been approached by several legal authorities on a matter that was causing much alarm to workers in the Port Adelaide district, I approached the Premier, who said that the amendment requested by these people should be seriously considered. We have seen the determination in this Bill; if recommendations are not made by the advisory committee, the Premier will not legislate. This is legislation by committee rather than by Parliament. The matter that I referred to the Premier concerned a person who suffered a recurring injury, and it involved two employers. It eventually went to the Supreme Court on appeal; in one case the employee and in the other the employer obtained judgment. In its wisdom, the court decided to award the total costs of the cases (nearly £1,000) against the employee, even though it ruled that he was right in one portion of the case. Any compensation he received was eaten up in legal costs. Although the Premier said the Government would consider the matter, it has taken no action because the committee has not made a recommendation.

This legislation is important to workmen, and members of the Opposition condemn the Government for depriving them of the right to debate it. It is not good government to bring in a Bill of this nature in the dying hours of a session and say that we must take it or leave it. However, I do not say that the Party opposite represents good government. We

accept the crumbs offered and hope that the day is not far away when Parliament will be given the opportunity to debate the whole Act and bring up to date all sections that need it. Although we are prepared to accept what is offered, I feel that more could be granted to the benefit of those concerned. I hope that when a similar Bill is introduced next year it will be early in the session. As this thirty-sixth Parliament is in its dying hours, I hope in the thirty-seventh Parliament there will be a change to a sane Government that will introduce workmen's compensation legislation early in the session and give an opportunity to members to debate it and pass whatever legislation is necessary.

Mr. SHANNON (Onkaparinga): I, as a representative of an employer and an insurance company, am completely in favour of what the Government is doing in this Bill. This is not a profitable field for insurance companies; in fact, workmen's compensation and third-party insurance are two of the meanest parts of insurance company business—so much so that many companies dodge as much as they can. These companies accept this business only from their best customers to hold their goodwill.

They are not interested in giving third-party policies to people who do not deal with them in other matters. Although workmen's compensation is in a different category, members opposite do not realize that it is really saddling industry which, after all, provides the opportunity for labour. If we cannot satisfactorily hold industry together and prosper, there will be fewer jobs; that is obvious. If we are to accept the principle of insuring under workmen's compensation policies people not actually engaged in their occupation but going to and from their places of employment (where there are other hazards, particularly from traffic), industry will be carrying a burden that is not justified.

Mr. Ryan: The same things cover them, though.

Mr. SHANNON: The honourable member should not rush in too quickly. I do not oppose insurance; I favour it, but the burden should be placed where it rightly belongs. I would not load industry with an extra charge that rightly belongs to the general taxpayer. There is no reason why, just because we happen to have a fairy godfather, he should be loaded with a burden that is not rightly his.

Mr. Ryan: Do you advocate State insurance?

Mr. SHANNON: The honourable member hopes that a Labor Government will bring in workmen's compensation legislation early next year. One important point that is often overlooked is that very few of the people who are injured on the roads these days are not covered by insurance.

Mr. McKee: Third-party. That is compulsory.

Mr. SHANNON: I do not know if it is advocated that there should be a doubling up in the benefits to be provided. A workman may be injured in a road accident while going to his place of employment, and by virtue of the injury he is entitled to be recompensed under third-party insurance. Is it advocated that in addition, because he is going to his place of employment, he should be recompensed under workmen's compensation?

Mr. McKee: The Commonwealth Government recognizes it.

Mr. SHANNON: My view is that the third-party insurance cover should be adequate to meet the situation, and if it is not we should amend the relevant Act. A person might be riding a push bike.

Mr. Ryan: He is not covered by insurance.

Mr. SHANNON: If he is injured in a motor accident when riding a push bike or anything else or if he is walking he is covered by third-party insurance. I think what we have to look at is where the burden should be placed. I am all for people having a proper cover against any form of accident, so that their dependants shall not suffer as a result of accidents.

Mr. McKee: That is what we are concerned about.

Mr. SHANNON: And I am with you 100 per cent. My only query is where we are going to place the burden, and I say it should not be placed on industry because it does not belong to industry. The member for Port Adelaide complained about clause 3. It is obligatory upon the person to travel to a night school from his home. If that apprentice chooses a form of transport to and from that training school that his employer considers dangerous, then I consider the employer has a right to direct him to take some other form of transport.

Mr. Ryan: And at the same time allow him to use that form of transport every day of the week.

Mr. SHANNON: He would not then be insured by the employer; he would be insured by the employer only when he was of necessity going to the training school. In the clause as drafted, the employer has some voice in the matter; he knows the apprentice and something about how he travels to and from his

lectures, and I think it is desirable that he should.

Mr. Ryan: What if he doesn't make any arrangements.

Mr. SHANNON: That is his business. I think any commonsense person would know that proper arrangements for the insurance would have to be made. I know from experience how hard dependants are hit if through either a laxity or a failure to comprehend their responsibilities people have not taken out adequate cover or, in fact, any cover at all. They are sad cases, because there is really nothing other than social services left for them, and that payment is not adequate to meet the needs of a widowed wife and two or three young children.

These are factors which in my opinion we should be attending to, perhaps on a national scale. I have much sympathy with the proponents of so-called national insurance, under which everybody is insured and everybody, through taxation, pays his share of the scheme that all will share in.

Some people will say that that is a socialistic approach, but fundamentally it is nothing more or less than protecting the innocents or the persons in our community who have very little opportunity to protect themselves—the dependants. If people charge me with Socialism in that respect I am willing to accept it. I think it is common sense and logical, for it would off-load certain responsibilities now being levied on sections of the community and put the matter on a broader base so that all the community would share equally. It is just another thought that I cast for my friends opposite who, I know, are interested in this field. I commend them for their interest in that matter, for it affects the lives and happiness of many people.

I do not agree with the member for Port Adelaide. Members of Parliament are not nearly as well informed on these matters as the advisory committee, nor have they the evidence before them that the committee has. The recommendations of that committee are brought in after all the facts have been considered. I understand that most of the committee's recommendations are unanimous, although I do not expect all of them to be. I believe the committee is composed of three reasonable people who give everybody a good hearing and hear every facet of the problems facing the community in this legislation. I think we could possibly get off the rails if Parliament stepped into the breach and said, "We do not want any advice on this matter; we will discard our advisory committee and get down to handling the matter ourselves." I think that matters such as these that affect the welfare of many people could become the subject of sentiment rather than a proper commonsense approach. This committee has, of necessity, to understand, first of all, what is required to give adequate protection to those people needing it; and, secondly, what is involved in the cost structure of the industry as a result of its recommendations. Those are things it has ample opportunity to get a complete picture of. For these reasons, I favour our present *modus operandi* of getting a change in our workmen's compensation law.

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

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

Returned from the Legislative Council without amendment.

POLICE OFFENCES ACT AMENDMENT BILL (No. 1).

Returned from the Legislative Council with an amendment.

ROAD TRAFFIC BILL.

Returned from the Legislative Council with amendments.

PUBLIC SERVICE ARBITRATION BILL.

Returned from the Legislative Council without amendment.

WILD DOGS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

BRANDS ACT AMENDMENT BILL.

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

THE CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL.

Returned from the Legislative Council without amendment.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 31. Page 1632.)

Mr. FRANK WALSH (Leader of the Opposition): The amendments put forward by this Bill provide for improvements to the principal Act, many of which are in accord with

proposals we put forward earlier this session as amendments to the Industrial Code, and which were, on that occasion, strongly rejected by the Government. I have been associated with certain deputations to discuss safe working practices in connection with scaffolding, and I have reason to believe that the honourable the Attorney-General, who is also Minister for Labour and Industry, has certainly paid attention to the requests made by representatives of the building industry at those deputations. The amendment proposed by clause 3 provides for certain areas of the State to be brought under control of the Act by means of regulation instead of proclamation, as has been the case in the past. I believe that this will provide Parliament with a more effective control over the Act in the future, but I also believe that it is the duty of Parliament on all occasions, where it is constitutionally and legislatively possible, to provide the utmost protection for all citizens, particularly workmen engaged in various occupations with differing types of hazards. I suggest that building work is an occupation meriting special consideration, and it would be preferable to extend the scope of the Act to the whole State. I suggest that, if we do not take this step as soon as possible, we shall be neglecting our duty to these people. On numerous occasions in the past 15 years, we have made efforts in this respect, but on all occasions the proposals have been rejected by the Premier. He takes much convincing. Thus, the members on this side have had to persevere to get something done. That is why amendments along this line have been suggested from time to time. I appreciate that some of the suggestions, after mature consideration, have been and will be (provided, of course, we live long enough) adopted by the Premier. In the meantime, the amendment provided by Clause 3 is an example of the Government's taking a faltering step in the right direction and, as I said before, I believe it will provide Parliament with a more effective control over the application of the Act even though the amendment does not go as far as I should like.

The question of explosive-powered tools referred to in clause 4 is most important because these tools are now used so extensively. Whilst they provide opportunity for savings in labour time, they also provide dangerous potentialities if not properly used and supervised. Having witnessed the erection of certain verandahs in King William Street where power tools are being used, but proper scaffolding is not erected, (and certainly no means of protection is provided for persons who are using the adjacent footpaths whilst this work is in progress) I believe that it is necessary to enforce more stringent requirements. I also believe that where equipment is used for welding purposes, if there is overhanging work above footpaths, stringent protection measures should also be insisted upon. Therefore, the amendment proposed by the clause to bring power tools under the control of the Act should be beneficial, and it is my sincere hope that the use of explosive-powered tools will receive special attention from the inspectors and that adequate protection measures will be rigidly enforced.

Clause 5, dealing with hoisting appliances, demolition, alterations and excavations, has been needed for a long time, and the amendment should ensure safer working conditions to keep the Act more abreast of present-day operations in the building industry. Clause 6 makes it obligatory upon the principal contractor to give the necessary notice about the erection of scaffolding. It is a decided improvement upon what is contained in the principal Act because it shifts the onus of responsibility from the subcontractor to the principal contractor. Whilst I am not in a position to know what is done in some of the current contracting work in this State, I do know that principal contractors in other States supply all scaffolding to all subcontractors for their use on large building projects. I believe that the same trend is developing in this State for prime contractors to supply all scaffolding and to make it their complete responsibility, and the amendment proposed by clause 6 is in keeping with this trend in the building industry. Clause 7 is mainly a machinery amendment because the provisions are approximately the same as the principal Act except that they are extended to cover power-driven equipment.

Clause 8 provides the basis for reporting and recording of accidents. The contents of the clause are in accord with the activities over recent years of all State Governments and the Commonwealth Government which have backed discussions on safety. The clause is also in accord with the amendments members on this side suggested to the Industrial Code. In that instance, we suggested that country inspectors should report accidents to the Chief Inspector in order that the cause of accidents might be examined with the object of avoiding similar

accidents in future. The amendment put forward could provide opportunities for a more efficient work force, increased productivity and increased industrial advancement, and therefore I support it.

Clause 9 gives a clear definition of the general powers of inspectors and there should not be any hesitancy on the part of any inspector in insisting that the standards intended by this Bill are maintained. Of course, there could be some occasion when the inspector may need the assistance of the Chief Inspector, but, on general application, I consider that the provisions of this Bill are an improvement on the principal Act. I believe also that whilst it may be suggested at times that the representatives of the building industry have been rather insistent on what the Act should control, the amendments before us go a long way towards meeting the desirable end of safe working conditions. My main disappointment is that at this stage the Government does not propose to extend the operations of the Act to the whole of the State by regulation or otherwise, nevertheless I still support the second reading.

Mr. COUMBE (Torrens): I support the Bill primarily because it brings the principal Act up to date to meet modern methods and techniques that have been developed in the building industry. It is evident that this legislation should be modernized periodically, especially when so many multi-storied buildings are being constructed in Adelaide and large buildings in suburbs and country towns. These building methods were not visualized years ago but with scientific and building technology advances it is now possible to introduce into some buildings large prefabricated sections which involve greater risks calling for more adequate protective measures. I welcome the introduction of regulative powers as opposed to those of proclamation in relation to defining the area within which the Act will operate. Last week the member for Whyalla, when discussing another matter, sought to provide for regulation-making powers rather than for proclamation.

Mr. Loveday: I did not get any support then.

Mr. COUMBE: On this occasion it is a good idea because a regulation has to be screened legally, be examined by the Subordinate Legislation Committee, and lie upon the table of the House and be available for members to debate before it can be adopted. This provision has my full support. I welcome the addition to the Act of provisions relating to protective measures in respect of excavation and demolition work. Until now most of the Act has applied to the erection or alteration of buildings, but under clause 5 demolitions will be covered. It is logical to assume that as it is necessary to have scaffolding and safety measures to erect a tall building, it should be equally necessary to have scaffolding (perhaps of a different design) to pull a building down, particularly as many large buildings are being demolished to make way for bigger, better and taller buildings.

In many cases it would be more dangerous to demolish than to erect a building. I welcome the provision that precautions must be taken in demolishing a building. I am afraid that in the past demolition work has been haphazard and treated casually. We readily acknowledge the need for protective measures in excavation work. Years ago the biggest hole dug for a building was for a cellar, but modern multi-storied buildings have excavations for a lower ground floor, basement, sub-basement, a lift well and then the foundations. Many hazards are created for workmen engaged on these projects, especially when large excavators are working close to these holes and concrete is being poured by the new ready-mixed method. It is understandable that in these circumstances serious accidents can happen, and I am glad that excavations have been brought within the scope of this legislation.

Explosive-powered tools are now being used to a great extent, so the provision relating to their use is long overdue. Accidents have been caused because of the inexperienced or unsupervised use of these tools, commonly known as Ramset or by other trade names. I am glad that there will be some supervision of their use. Incidentally, these tools are gaining much support in the industry because they do the work so rapidly. Power-driven equipment is also included in the measure. I do not know what type of equipment comes into this category, as certain types of cranes are excluded, but I have seen some power-driven equipment at work and I suggest that it needs greater supervision and better protective measures. There is also a great danger from trailing electricity cables if not adequately sheathed, so I am glad that the department will have control over this type of equipment. Clause 5 provides that the work to which the legislation applies means work involving the use of any hoisting appliance except a crane, hoist or lift to which the Lifts Act applies. Mobile cranes situated within buildings or on roadways are now being used; they were not used in the past. The largest mobile cranes I have ever seen are

now standing in Rundle Street and in a side street lifting huge sections to the tenth floor level, where they are picked up by a crane. These mobile cranes were not known when the Act was framed. I take it that this clause will catch such cranes and provide that they must be properly used and correctly designed for the loads they carry. This is necessary because, as they are not on the premises, they are not caught under the provisions of the Lifts Act. It is important that they, as well as the cranes erected on the tops of buildings, be controlled. Last week a crane being used on a multi-storied building in Melbourne collapsed; this accident indicates the need for supervision.

Difficulty has been experienced because no one person has been responsible for the erection of scaffolding. When contractors have been approached and asked why they have not erected it properly, they have said that it is the responsibility of the plumber, the electrician, or some other subcontractor. This Bill provides that the responsibility will be on the principal contractor to notify the Chief Inspector of his intention to erect the scaffold and to co-ordinate its erection, so there will not be any passing of the buck or confusion. I pay a tribute to the Department of Labour and Industry and the Inspector of Factories for the realistic way in which they administer the Act and for the the way in which they have prepared this Bill. I also compliment the Minister of Industry, the head of this department. I commend the Bill.

Mr. HALL (Gouger): I also welcome this Bill, although there is much of it I know nothing about. This is the first time that power-driven equipment has been specifically included. Clause 4 (*b*) provides:

> "power-driven equipment" means equipment that is used in connection with work to which this Act applies and is driven or worked by compressed air, internal combustion, electricity or any other power, not being human or animal power; and includes any explosive powered tool; but does not include any hoisting appliance;

Clause 5 inserts new section 5a as follows:

> For the purposes of this Act, the expression "work to which this Act applies" means work involving—
>
> (*a*) the erection of any scaffolding or hoisting appliance;
>
> (*b*) the use of any hoisting appliance (except a crane, hoist or lift to which the Lifts Act, 1960, applies) or of any power-driven equipment in connection with—
>
> (i) the demolition, alteration, repair, cleaning or painting of any building; . . .

Clause 7 re-enacts section 7 of the principal Act. It provides:

> All scaffolding, gear, hoisting appliances and power-driven equipment used for or in connection with any work to which this Act applies—
>
> (*a*) shall comply with such requirements as are prescribed in relation thereto; and
>
> (*b*) shall be set up, erected, maintained and used in accordance with such requirements as are prescribed in that behalf;
>
> by the regulations in the second schedule to this Act, as amended or added to from time to time pursuant to section 13 of this Act.

I may be wrong, but it seems to me that this applies to any person working on his own house, for instance. As I see it, if that person wanted to put a motor on his own concrete mixer and drive it to save himself expense, he would not be permitted to do it unless it came under the regulations as prescribed. If that is so, I think it is going a little too far. I think the matter is governed by clause 5, which refers to the "carrying on of work on any building". I am alarmed lest we are going outside the intention of the Act, which is to protect employed people and perhaps self-employed persons on contract work. If, with these provisions, we are to invade the backyards of people who are trying to help themselves by doing their own work, we are going too far. We try to protect people from many things, but it is debatable how far we can go or how far we should go. We not only protect but very often we restrict, and every restriction means a loss of freedom. Some things are desirable, but I think this provision is not. As I read it, it would apply to any repair any person did with a power tool to his own house. If I am wrong in this matter I shall be happy to be told about it. In the meantime, I seek an explanation.

Mr. LAWN (Adelaide): I support the Bill. Regulations will be prescribed regarding scaffolding. On one large building that has been under construction in the city for some months the builders are using what, to my knowledge, is a new type of scaffolding. In addition to the Cyclone scaffolding part of the construction and the horizontal rail approximately waist high to stop workmen from over-balancing, a Cyclone mesh encloses the whole thing so that no workman can fall outside that scaffolding. I commend the contractors for using that type of scaffolding, because it means that their workmen cannot possibly over-balance and fall.

It also affords protection for workmen who may be brick-laying or working on glass fittings or such things inside the building. Members will recall the case of the workman who, when working inside a building in Victoria Square, fell several floors. With this type of scaffolding, a man who is working inside a building could not possibly fall down; he could fall out of the building, but he would fall on to the top of the scaffolding and the Cyclone mesh would stop him from falling any further. My only other comment is that in my opinion the dogmen working on these buildings should wear a safety belt. With those remarks, I support the second reading.

Mr. HEASLIP (Rocky River): I support the Bill with reservations. I, too, seek an explanation of clause 5. I agree that all precautions should be taken, particularly on these very high buildings that are being erected today. Where the Bill gives that protection to employees I am wholeheartedly behind it, but where it restricts or takes away the freedom of the individual—which, as far as I can see, this amendment does—I oppose it. I believe that any householder or individual should have the right to perform work on his own property without infringing the law, and this provision, as I read it, would not enable him to do that. We have on the market today various types of powered painting appliances which a person can use to paint the walls, woodwork or roof of his house, but I consider that under this amendment he would be prohibited from using such an appliance.

Mr. Hall: Unless it were prescribed.

Mr. HEASLIP: That is so.

Mr. McKee: I think you are making an excuse.

Mr. HEASLIP: No, I am not; I am trying to preserve the freedom of the individual. I think we all believe in freedom and the right of the individual to carry out work on his own property. Here we are taking it away, and I do not think anyone in this House knowingly or willingly wishes to do that. If I can be convinced that an individual will be free to carry out work of this nature I shall be perfectly satisfied.

Mr. McKee: It only applies if you employ workmen.

Mr. HEASLIP: If the amendment is carried I believe it will mean that a person will not be able to paint his own house with the appliance I referred to earlier: he will be breaking the law unless that appliance is prescribed. I believe that every employee should be protected, but where an individual wishes to take the risk of doing certain work on his own house—and it is not a very great risk—he should be entitled to do so.

Mr. McKee: He is entitled to do it.

Mr. HEASLIP: I maintain if this amendment is passed he will not be entitled to do it. Subject to my remarks on that aspect, I support the Bill, which I think is a good one.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I think there is probably something in the point raised by the member for Gouger. In the principal Act the term "scaffolding" has a definition that applies to workmen, because the definition is:

> Any structure or framework of timbers, planks, or other material used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat,

etc. The provisions of the principal Act have always been inserted for the protection of any workman. Through a drafting error, that particular provision in respect of power-driven equipment has not been maintained, particularly when applied to clause 5 (*b*) (ii). The honourable member has a point. I will have it cleared up.

Clause passed.

Clause 5—"Work to which this Act applies."

The Hon. Sir THOMAS PLAYFORD: I move:

> After "building" in paragraph (*b*) (i) to insert "by workmen".

I shall move further amendments if the Committee accepts this amendment. These amendments were found to be necessary by the Parliamentary Draftsman after considering the point raised by the member for Gouger. The definition of "workmen" is the definition in the principal Act. Because of a drafting omission, this clause was made wider than other clauses, and as it was drafted it would have covered persons doing trivial repairs to their own houses that did not involve scaffolding.

Mr. FRANK WALSH (Leader of the Opposition): I do not oppose the amendments. If a person wishes to erect a building and uses some faulty scaffolding, he may do so at his own risk. If people desire to do these things I do not

object, but the moment they become workmen within the meaning of the Act the position is different.

Amendment carried.

The Hon. Sir THOMAS PLAYFORD moved:

After "building" in paragraph (*b*) (ii) to insert "by workmen".

Amendment carried.

The Hon. Sir THOMAS PLAYFORD moved:

After paragraph (*d*) to insert: "In this section the word "workmen" means any persons working for reward whether as employees, contractors or subcontractors."

Amendment carried.

Mr. FRANK WALSH: The clause refers to the demolition of any building the height of which exceeds 20ft. above ground level. Is there any reason for fixing the height at 20ft?

The Hon. Sir THOMAS PLAYFORD: If the Leader studies the clause he will see that, for the purposes of this Act, "work" means work involving the demolition of any building the height of which exceeds 20ft. above ground level. The reason for the 20ft. is that the Government desired to apply the clause to buildings of two stories. A single-storied building would have a chimney probably only four or five feet above the roof level, and the purpose was to apply the clause to any building of more than one story. If it were less than 20ft. it would probably bring in any single-storied building.

Clause as amended passed.

Clause 6 passed.

Clause 7—"Requirements for scaffolding gear, etc."

Mr. FRANK WALSH: I take it that there will not be any undue delay in submitting the necessary regulations?

The Hon. Sir THOMAS PLAYFORD: The department is most anxious to control a number of these matters, and I assure the Leader that the regulations will be prepared as quickly as possible.

Clause passed.

Clause 8 passed.

Clause 9—"General powers of inspectors."

Mr. FRANK WALSH: I do not think any inspector will be in doubt as to his powers under this clause, and I commend the Minister for clearing the matter up.

Clause passed.

Title passed.

Bill read a third time and passed.

STUDENT HOSTELS (ADVANCES) BILL.

Returned from the Legislative Council without amendment.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 31. Page 1628.)

Mr. FRANK WALSH (Leader of the Opposition): This Bill, introduced by the Minister of Education, deals with high pressure salesmanship. It arose from the many representations made to the Minister about experiences suffered by housewives in respect of certain sales. I once received a deputation of three women, accompanied by representatives from the Housewives' Association, in the matter of certain book sales. I said then that I considered that, if they returned the books in question with no further payment, they would be better off. The book salesmen involved (in King William Street) declined to accept the return of the books, but they were wrapped up and returned. I have heard no more of it since.

This Bill does not go far enough. Other pressure sales groups are operating in Adelaide. Some years ago high pressure salesmanship was exercised in regard to supposed health and hospital benefits, but eventually the Government introduced amending legislation, which has since proved beneficial. I understand that the member for Norwood (Mr. Dunstan) has an amendment. He has received many complaints in his district. It is appropriate that honourable members who have been approached personally by their constituents in this matter should voice their grievances in this House to bring them to the attention of Parliament. I support the second reading, knowing that some amendments are to be suggested.

Mr. DUNSTAN (Norwood): I, too, welcome the provisions of this Bill. Many members have raised complaints about the way in which certain door-to-door sellers of children's encyclopaedias have misled the public and caused much discomfort and worry to many people in the way that the Minister has outlined. Unfortunately, of course, the activities of this class of salesman have not been confined to children's encyclopaedias. Within the terms of the present proposal, other people have been selling good books but in a thoroughly undesirable way. The latest books to fall into this class of salesmanship are the *Encyclopaedia Britannica*—of all things to come within this sort of thing! However, for some time now, salesmen have been going round South Australia asking people to sign up for the purchase of the *Encyclopaedia Britannica*. They have been told they will get some signal benefit, and that they have been chosen to

be those in the community to whom the salesmen could refer as people who had the *Encyclopaedia Britannica* in their homes. Various extra gimmicks are used in the proposal. The prospective buyer is informed that, of course, the offer is open only for that day and he is urged to sign up immediately for this very valuable and desirable acquisition to his library at the price proposed.

Of course, the purpose of signing him up on that day particularly is to see that his name is on the dotted line because, in fact, the price at which it it proposed to sell the encyclopaedia, together with the gimmicks, is considerably above the market price for the encyclopaedia from a retail bookseller. This sort of undesirable salesmanship is going on all the time. What is more, I fear that, if we close the door to one class of goods, then undesirable salesmanship will break out for other classes of goods. I have some instances that I can give the House on this score.

I referred last week in the House, in a question to the Minister, who said I could bring it up on this Bill, to a firm registered in Adelaide under the name of Supreme Distributors. They are going round pressurizing ladies of the Roman Catholic faith to purchase sick-call crucifixes at a cost of £10.

Mr. Jennings: You can buy them more cheaply at Pellegrini's.

Mr. DUNSTAN: Yes. These ladies are pressurized by unreasonable persuasion into signing up for the purchase of sick-call crucifixes on a time-payment agreement that is carefully designed to escape the provisions of the Hire-Purchase Agreements Act so that the husbands do not have to agree to the purchase of the articles.

Mr. Loveday: That has been done while they are sick.

Mr. DUNSTAN: Yes, and it is a particularly nauseating practice to play on a person's illness and religious feelings in this way. That is what has been done and I have explained to the House how difficult it is to get hold of the people behind this organization. However, they are not the only ones. This morning I received an indignant call from a constituent about the activities of persons trying to sell pest extermination services. Yesterday an elderly lady—a pensioner—in my district received a call from two people who were representatives of the Dead Pest Company. They told her that they were inspecting the area because of complaints to local authorities about white ants. On this representation they secured entry to her house and proceeded to take up a piece of the floor. They then produced to her some white ants and said, "This is absolutely dreadful. You are not only endangering your premises by having white ants here, but are being unfair to your neighbours and action must be taken immediately to get rid of these dangerous pests."

They extracted from her £20—from her savings to meet her rates and taxes—as a deposit for the removal of the white ants from the premises. Fortunately she had a relative who knew a man who had been engaged for a long time in pest extermination of a reputable type and they asked him to examine the premises. He made a careful examination and offered to pay £5 for every white ant that could be discovered there. There were no white ants there at all. This is a most shocking practice.

I had another complaint recently about the Atlas Roofing Company, which has now discontinued its activities. Its business name has been cancelled, but the person registered on the business name was a man about whom complaints have previously been made in another connection in this House by an honourable member. The complaints were of unreasonable representations. Ladies in the district were persuaded to agree to the provision of immediate roof painting services. The jobs were most unsatisfactory, but the company had managed to extract money on the spot for those services.

I think we have to broaden this legislation. The work of the door-to-door salesmen of goods and services has been responsible for a continued stream of complaints to most members. I think we can reasonably provide in this Bill some protection against their activities. The provisions of the Bill are in two parts. New section 38a (1) refers specifically to representations that are made by salesmen that they have some authority from or connection with the Education Department, and the Bill makes it an offence for these people to make these representations. I think that that subsection must be confined to that type of representation. However, subsection (2) is not so confined. It states:

> If any person is induced to enter into any agreement to purchase books or other educational matter by any unreasonable persuasion on the part of any person acting or appearing to act on behalf of the seller or the seller's agent such agreement shall be deemed to have been induced by undue influence and shall be voidable at the option of such first mentioned

person and any affirmation of, or agreement purporting to waive any right to avoid, such agreement to purchase shall be void and of no effect.

The latter words are in that subsection because these time-payment agreements that are being used by door-to-door salesmen carefully contain a provision that any claim as a result of misrepresentation is waived by the purchaser. The effect of this subsection is to lessen the onus upon a person desiring to avoid the agreement of proving undue influence. One does not have to go as far as the common law now provides to avoid the agreement in proving undue influence. All one has to do is to prove unreasonable persuasion and then the court will deem it to be undue influence in the cases covered by the Bill. I believe the Bill can go beyond the mere provision relating to the sale of books and other educational matter. It should cover all matters where door-to-door salesmen are using unreasonable persuasion, and it should cover all cases where people are induced to enter into time-payment agreements by unreasonable persuasion.

Mr. Millhouse: You are completely changing the character of the Bill.

Mr. DUNSTAN: I do not think so. I think I am coping with something that many members have had reason to complain about and, what is more, by the proposed amendments I would be catering for two types of people who are so far not covered. One is the door-to-door salesman who is using high pressure and improper tactics upon women in the community. They are undoubtedly present and we ought to have some provision against them. An amendment such as I propose would not make it an offence for them to use those tactics, but it would make the agreement voidable. The salesmen have obviously had careful legal advice and they are signing women up for instalment buying in a way that is designed to avoid the protection which this House sought to provide under the Hire-Purchase Agreements Act. That protection does not cover the type of contract these salesmen are signing people up for on instalment buying. If the honourable member is interested I can show him some of these contracts. It is clear that these people are out to avoid the protection of the Hire-Purchase Agreements Act.

Mr. Ryan: What are these contracts called?

Mr. DUNSTAN: Time-payment contracts. Even if the wife accepts an article and pays no deposit at all and the husband, upon discovering that she has been pressurized into this arrangement, decides that they cannot afford it and takes the article back the seller merely laughs and says, "We have you on a contract and you are going to pay."

Mr. Millhouse: What is the consideration?

Mr. DUNSTAN: It is executory. However, it is still a valid contract. The consideration is the future payment of the instalments. The provisions of the agreements are that, if any instalment falls into arrear, the whole amount under the time-payment contract immediately falls due. This is a most undesirable practice, and we should take the earliest opportunity to give some protection to the public against it. I should think that the amendment which I have placed on members' files and which I hope to discuss in more detail in Committee would give some protection to the public so that they could avoid these agreements where they could show (and the onus would be on the buyer) that they had been induced to enter into these agreements as a result of unreasonable persuasion. If it is desirable that this be done for an education matter, it is desirable that it be done for anything else that might be sold in the way in which the Australian Education Foundation (which I believe it called itself at one stage of the proceedings) got its agents to act.

Mr. Ryan: Do you have to prove the matter in the local court?

Mr. DUNSTAN: The person would have to say, "I avoid the agreement; you sue me." If the seller were to sue, the buyer could set up as a defence that he had avoided the agreement because of unreasonable persuasion. If the seller chose to go on with the suit, the onus would still be on the buyer to show that there was unreasonable persuasion.

Mr. Ryan: The legal initiative would have to be taken by the seller?

Mr. DUNSTAN: Yes, he would have to sue.

Mr. Jennings: If it is good enough in one case, why not in the other?

Mr. DUNSTAN: That is my feeling. I believe that no reputable or proper transaction would in any way be affected by what I propose, but I believe that these snide shysters who are battening on unsuspecting women in the community (because it is women for the most part who are caught by these door-to-door salesmen) should be dealt with, and I believe the manner I propose would go a long way towards providing some protection.

Mr. MILLHOUSE (Mitcham): I support the Bill because I recognize, as I think all members do, that there is an evil that needs to be stopped in the case of these door-to-door book

salesmen. I have had many cases in my district of people being taken in by these salesmen. In fact, it happened in my own street, where most of the girls (including my own wife) were induced to buy the encyclopaedia in question. In other cases in which I have been consulted professionally I have with my tongue in my cheek written to the publishers saying that my clients did not intend to go on with the matter because they were induced to enter into the contract through undue influence. I have done that knowing quite well that if the company chose to pursue the matter by suing in the court we could not sustain a defence. Nevertheless, it seemed to be the best way out of it—and you may be interested to know, Mr. Speaker, that it worked. It is exactly that which this Bill does. It means that unreasonable persuasion (whatever that may mean: I wish to say something about it later) will allow a person to avoid a contract.

I recognize the evil that this Bill seeks to combat, and I think it is a good thing that it has been introduced. However, I have one or two reservations about the Bill as it stands. The first relates to new section 38a (2), which refers to "unreasonable persuasion". I wonder what that may mean? I understand that a similar provision is in the Land Agents Act, but, as far as I know, no authoritative judicial interpretation has been put on it. It is one of those delightfully vague terms that can mean anything or nothing, depending on the state of the magistrate's or judge's digestion at the time of hearing the case. That is not a good thing, as the law should be certain if it can be. Maybe it is impossible to define it more closely than using this term, but I doubt whether it means very much. My other reservation about this new subsection is on the length of the period in which the person can avoid the contract.

Mr. Laucke: That is a good point.

Mr. MILLHOUSE: I am glad that at last I have the approbation of the member for Barossa. No period is laid down here, and I just do not know how a court would interpret this. I am inclined to think that we should consider putting in a period during which a contract could be avoided rather than leaving it as open as it is, otherwise (as in another Bill we are considering) the sellers of the article could be placed in an unfair position, as a person could go along, perhaps months later, and say that he was going to avoid the contract because there was unreasonable persuasion. I do not think that is fair and I have no doubt that the Draftsman is listening to this point. I can see that the Minister is seized of the point, which I think deserves more consideration. The only other point I desire to make is that this is a departure from the law as it now stands. I think it should be an exception to the general rule of the law with regard to sale and purchase because of the definite evil, of which we are all aware, through the efforts and activities of book sellers. However, I do not think we should take it any further than that. There is a specific evil to be overcome, and this Bill does that. I have reservations about it; I certainly should not be happy to see it go any further than it does as it is an exception (necessary in the circumstances) to the general rule of the law. With these few remarks, I support the second reading.

Mr. LAUCKE (Barossa): I support this Bill and commend the Minister for having brought it before us in its present form. I regard this as really modern legislation to meet a given situation. As we all recall, references have been made in this House to unreasonable persuasion by salesmen of a given commodity, in the main of unsuspecting womenfolk of the house when the menfolk have been away. I admire the Government and the responsible Minister for having taken such a definite note of the criticism raised here of that type of person who will worm his way into the confidence, as it were, of an unsuspecting buyer and later find hardship has been caused that poor person. Often the first indication of some undesirable contract entered into is when the husband returns from work and says, "It is entirely wrong for you to have done that", but, the lady having signed the agreement, there is no legal recourse, and the people are bound to honour an agreement they did not intend to enter into in the first place.

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

Mr. LAUCKE: The Bill provides reasonable protection for those people who because of extreme pressure fall for signing an agreement before giving due consideration to the implications of the transaction. I have no wish to decry good salesmanship, for it is an honourable profession. Door-to-door salesmen fall into two categories: one is the keen honest man who gains his sale and retains the confidence of his client for future business, and the second is the unscrupulous high-pressure merchant who is simply intent on gaining his sale irrespective of what pain he may inflict on the purchaser through insistence on attaining the sale. I have no

sympathy for the latter type. This Bill implicitly refers to a certain type of salesman and to a certain type of commodity, and I fully agree with its provisions. I support the Bill.

Mr. SHANNON (Onkaparinga): I compliment the Minister of Education on introducing this legislation. The Minister has had first-hand experience of this problem. In my own electorate I have brought cases to his notice and he has been helpful, but, after all, being helpful without the backing of the law is not so easy. This Bill provides such a backing. The Minister will have the heartfelt thanks of practically every parent who has had any experience of these so-called experts selling text books which they claim to be of the highest quality but which, unfortunately, when the children take them to school, are found to have no place in the curriculum at all. Those parents, having entered into an agreement to purchase, are in a cleft stick.

I must admit that in one instance a principal in the matter came to see me, and after a little heart to heart talk a certain salesman, who had been the major offender in my electorate, was dismissed. I do not think we should have to go to the trouble of seeking such redress for people who, I understand, are perfectly innocent. The salesmen go to the pains of endeavouring to secure the *imprimatur* of high-ranking professional people in the Minister's department, and they blatantly use these people's names, sometimes without their knowledge or consent. Frequently the person concerned has endorsed the publication in good faith, thinking that he has done nothing that is not right and proper, and not knowing the pressures that will be brought to bear with his name to back them. I compliment the Minister on the legislation, which is a step in the direction of saving some people from embarrassment. I know that his own departmental officers, knowing the full story, will be right behind him in this matter.

Mr. RYAN (Port Adelaide): I did not intend speaking, but during the tea adjournment I was approached by a constituent who finds himself involved in the very difficulty mentioned in this Bill. He told me that on Monday he was approached by a high-pressure salesman who for two solid hours tried to impress upon him the necessity of buying certain books that would be required (he said) by his children when they attended school and without which they could make no headway in their school learning. This constituent is a New Australian who, not being fully conversant with the language, ultimately fell for the thimble and pea trick. He asked me whether there was any possibility of having the contract cancelled. I speak merely for the purpose of officially recording the name of the firm concerned and what has transpired.

I have here the agreement which this person signed and which he would now like to have cancelled. The agreement concerns *Newnes Pictorial Knowledge*, published by George Newnes (Australia) Pty. Ltd., of Newnes House, 20-22, Margaret Street, Sydney. It commences:

Please supply to me, free on rail at State capital cities: *Newnes Pictorial Knowledge*, 10 volumes, Roxburgh binding, and register my name to receive all the benefits of the five-year service plan.

The agreement then reads:

I am paying £2 17s. with this order for which you will send me your official receipt and I agree to remit 23 monthly payments of £2 9s. to your address each month until I have paid in full settlement £59 4s. which includes other total charges of £2 4s. I understand that the cash price is £57.

It is interesting to note the terms of this contract, because this very point was raised by the member for Norwood earlier today. They read:

I understand that the second payment is due one month after the date of the order, remaining payments on the corresponding date each month thereafter, and that in default of any two payments the whole of the balance becomes payable forthwith. I understand that the above prices do not include freight or delivery charges *ex* State capitals, which are payable by me. I acknowledge having received a printed statement of the purchase price of the goods before signing this order, also a copy of this order. I agree that the books are not supplied on approval—

and that is very important—

nor can they be returned, and that the order form contains all the terms and conditions of sale and is not subject to cancellation.

These people apparently did not grow up yesterday, nor did they come down in the last shower: they have been operating on earth for a long time and catching many people.

Another term of the agreement reads:

It is agreed that this order is given by the subscriber solely upon the conditions stated in this form and—

and this will interest the Minister of Education—

that there is no connection with any school or education authority.

After two solid hours with that salesman last Monday my constituent ultimately succumbed to his wiles and signed the agreement. After he had approached me tonight he wished that he had not signed it. I do not know whether it is possible, in view of the fact that practically every member who has spoken has referred to the urgent necessity for this Bill, for us to play the same game as these high-pressure people are playing and back-date the operation of the legislation in order to help such a person as the one I mentioned. There is an urgent necessity for this Bill. I have spoken on it in order to have the name of the firm I mentioned recorded. I hope the Bill goes through urgently.

Mr. HUGHES (Wallaroo): Briefly, I commend the Minister for introducing this Bill. I should like to be locked in a room with one or two of these shysters for two minutes; they would have some difficulty in getting the women who have been mentioned this evening to sign contracts for these things. No type of salesman causes more heartbreak than these. I remember one lady coming to me crying, saying there was trouble in her home. It was near my place. Apparently, her daughter had been talked into signing one of these contracts, and the husband on coming home had strongly objected to it. But he could do nothing about it because she had signed up and paid a deposit of £1. Another case concerned my own family. One of my sisters was at Wallaroo staying at my father's home. One of these chaps came along and became very abusive and, because she wanted him to leave, he put his foot in the door so that she could not close it. Fortunately, my brother, who was once the lightweight boxing champion of Yorke Peninsula, was inside, and that salesman on that occasion made a very hurried exit from my father's property. I commend the Minister for introducing this Bill, for which there is a great need.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Enactment of principal Act, section 38a."

Mr. DUNSTAN: I move:

In new section 38a (2), after "any agreement" to insert "(*a*)"; after "matter" to insert "or (*b*) to purchase goods or services from a door-to-door salesman; or (*c*) to purchase goods or services to be paid for in instalments."

In my second reading speech I pointed out that the Bill as it stood did two things. It provided that any person who sold books on a representation, direct or indirect, that he was in some way connected with or had the approval of the Minister or the Department of Education would be guilty of an offence. Offences should be confined to just that sort of thing, but subsection (2) of the new section 38a gives a further protection: that is that, where a person has been induced to enter into an agreement by any unreasonable persuasion on the part of any person, he may avoid the agreement and the court can consider that the unreasonable persuasion amounts to undue influence: that is, the buyer to avoid the agreement would not have to prove undue influence as it is at present defined at common law, but he would have to prove unreasonable persuasion.

Mr. Clark: Would that be easy?

Mr. DUNSTAN: Not particularly. It is not something that he could do just like that, but some such instance as the member for Port Adelaide (Mr. Ryan) has just outlined would obviously be unreasonable persuasion. Undesirable high pressure salesmanship of the kind mentioned by the member for Barossa (Mr. Laucke) might well be held by the court to be unreasonable persuasion but, of course, if the seller chose to sue, the onus would be on the buyer to establish that he had been induced to enter the contract by unreasonable persuasion. I believe that unreasonable persuasion of people is not confined to the sale of books or other educational matter; it is extended to numbers of other matters, and it seems to me that there are two kinds of people we have to deal with here. The first is the high-pressure door-to-door salesman. I am not very taken with door-to-door salesmen (except at politics at any time!) and I sometimes marvel that people are prepared to buy from door-to-door salesmen. But the techniques of these people are highly developed to get themselves into the house by all sorts of misrepresentations as to their intention; and then they have a patter carefully taught them to interest people in something and try to persuade them against their better judgment, and often by means of some misrepresentation which does not amount to fraud or undue influence at common law, to enter into a contract. Those people have to be coped with. I gave some instances this afternoon of the kind of thing that is going on at the moment and the member for Frome (Mr. Casey) has also had some complaints, I understand, from church authorities concerning these people who are selling sick-call crucifixes at the moment by this sort of salesmanship. I do not believe that my amendment

as far as door-to-door salesmen are concerned would in any way hamper any reputable organization. No person acting in a reputable or proper manner would be in any way hampered by this amendment.

The other class of people with which we have to deal are those endeavouring (and endeavouring successfully at the moment) to evade the protections which this House has sought to provide by the Hire-Purchase Agreements Act, by getting people to enter into time-payment agreements so that the spouse does not have to sign the agreement and there is no need for a deposit. They do it by unreasonable persuasion. Of course, this would not affect those hire-purchase companies that have now changed over to time-payment agreements and so evaded the Hire-Purchase Agreements Act, and do not use unreasonable persuasion. But, at the moment, there are some companies in Adelaide that are using unreasonable persuasion. I refer particularly to those companies that are going in for wholesale bait advertising. Bait advertising is the kind of thing that is prohibited in many other parts of the world, but it is rife in this State. Some South Australian firms have gone in for gross bait advertising.

One firm frequently advertises articles at what seem to be extremely low prices. The prospective buyer is enticed into the showroom, but the article is not there. The firm has sold out, but the customer is subjected to high-pressure salesmanship by an employee who makes many misrepresentations about the nature and value of an article it is then proposed to sell to the customer at a higher price than for the article advertised initially. Advertising specialists from another State were concerned about unethical advertising and they investigated some Adelaide firms. I have a report of their investigations. An investigator went to a firm that is responsible for gross bait advertising continuously and asked the sales representative to show him the article that was advertised. He was told, "We have one in our downstairs showroom. We store them in bulk and take them out when we want them." The model in the downstairs showroom was not priced at the price shown in the advertisement, so the investigator departed and rang the showroom and asked if the firm had an article at the price advertised. He was promptly told "Oh yes, we have one", so he returned and was informed that what he had been told over the telephone was a mistake. I have a series of reports on the practices that have been going on.

If people use unreasonable persuasion to get customers to sign agreements for instalment payments that do not provide the protection of the Hire-Purchase Agreements Act they should be faced with the fact that their tactics are improper and unethical, and the agreements should be voidable. If a purchaser were sued, he would have to show that he had grounds for voidance of the agreement and he would have to satisfy the court that he was induced to enter into it by unreasonable persuasion. The public should have protection from persons who are not acting reputably and who are seeking deliberately to evade the protection Parliament sought to give to the public. No reputable person will be hampered by the amendment. The member for Mitcham suggests that it alters the purport of the Bill, but I disagree. We cannot confine this provision to books or educational matter, because they are not the only articles that are subject to improper activities by door-to-door salesmen or by those people who are seeking to avoid the protection of the Hire-Purchase Agreements Act. If the public deserves protection in relation to books or educational matter, it deserves the protection in relation to anything else that may come within the principle laid down in the Bill.

Mr. SHANNON: I commend the honourable member's intentions. He is trying to protect purchasers, but there is a trap in the amendment. This Bill is designed specifically to deal with educational matter which the average person is ill-equipped to assess. Salesmen have used the names of persons of some status in the educational field without their consent, thus throwing dust in the eyes of unwary purchasers who cannot judge the quality of the book or educational matter offered them. The amendment, however, broadens the scope of the Bill to cover all articles. The average person does not need protection from salesmen who hawk vacuum cleaners or wireless sets. These articles can be demonstrated and their value shown, provided they are not snide articles—and I have not heard of any low-grade articles of the type I have mentioned being hawked. Salesmen are afforded opportunities of making a living by hawking articles. If a person enters into an agreement to purchase an article, the value and usefulness of which he is competent to assess, he does not need protection, and we would be going too far in providing such protection. It would be a restraint on legitimate trade and I would oppose it. I only support the Bill because I know that unwary purchasers are unable to

assess the value and usefulness of educational matter. It is only when these articles are taken to a school and the headmaster advises that they are not valuable, that the purchaser is aware of their uselessness. By then, unfortunately, an agreement has been entered into and the damage has been done. The Bill will restrict the peddling of literature which, by virtue of its binding and appearance, can mislead people as to its value.

Mr. LOVEDAY: The only argument advanced by the member for Onkaparinga in opposing the amendment was that, whereas many people were ill-equipped to judge books and educational material, they would be well able to judge the value of carpet sweepers and radio sets. That cannot be maintained, as many people who would be good judges of educational material may have no knowledge of the value of electrical goods. I can recall that a salesman went around my district demonstrating mixing machines which, although they worked when demonstrated, broke down soon after. This shows that the purchasers were ill-equipped to judge their value. I cannot see why this protection should not be afforded to people purchasing things other than books or educational material.

Mr. STOTT: This clause protects the public from the actions of high-pressure salesmen of books and educational matter, as it voids sales made by unreasonable persuasion. If a woman enters into an agreement and the husband does not wish to go on with it on the ground that it was entered into as a result of unreasonable persuasion, the matter would have to go to court and the magistrate would have to judge whether unreasonable persuasion was used, the onus being on the husband to prove that it was. The member for Norwood wants to widen the scope of the clause. I know of many cases in which secondhand motor cars have been sold as a result of unreasonable persuasion but, if the matter were taken to court, the buyer would have to prove unreasonable persuasion. Too many of these high-pressure salesmen are operating, and it is time Parliament acted to protect gullible people from them. As I think the scope of the Bill should be extended to deal with high-pressure salesmen of other goods, I support the amendment.

Mr. CLARK: I support the amendment. The member for Onkaparinga said most people were not able to judge whether a set of books said to have educational value had such value or not, and that is true. Although, because of the method used by salesmen in these matters, I support the Bill, in the main there is nothing wrong with the books sold except for the manner of their sale and their excessive price.

Mr. Jennings: There was something wrong in the first place.

Mr. CLARK: Yes, some sets were poor, but those mentioned by the member for Port Adelaide were satisfactory although the price was excessive. However, the quality of the article is not in question. Most of us could not judge the value of a set of books or of any article shown us by a door-to-door salesman. I do not know much about the value of electric mixers, and I could not judge whether they were good or not. The member for Ridley mentioned secondhand motor cars; I think anyone who buys one is looking for trouble. The amendment seeks to do something about the selling methods, and I believe the words "unreasonable persuasion" are wise words. The amendment is not as severe as some may think. After all, it will not be particularly easy to persuade the court that unreasonable persuasion was used.

Mr. Dunstan: It has to be proved to the satisfaction of the court.

Mr. CLARK: Yes. The member for Norwood referred to advertisements that induced people to go in so that they could be sold something else, and I doubt whether such advertisements could be interpreted as unreasonable persuasion. We are all satisfied that it will be a good thing to stop these people using unreasonable persuasion. The people who sell things under the guise of helping little children are to be despised. I believe the amendment would prevent some of the harassing tactics that have been used. Most salesmen are completely honest. The amendment is designed to stop the practices that have been going on with not only books but other things.

Mr. MILLHOUSE: I oppose the amendment. The Bill was introduced to deal specifically with door-to-door salesmen. We know that subsection (2) is directed towards dealing with door-to-door salesmen, but it goes further. It could as it stands apply to other than door-to-door book salesmen: the amendment could apply to hawkers or to a person going to a reputable bookshop or to a grocer's or anywhere else, and I think it is far too wide.

Mr. Stott: You object to unreasonable persuasion in the sale of books but not in other things!

Mr. MILLHOUSE: I do not object to this Bill because it is aimed at one specific evil of which we are all aware, and I cannot think of

any other way to get over it. We cannot protect a fool from himself. Throughout history people have made bad bargains. In spite of the confidence of the member for Gawler, unreasonable persuasion is a term that can be as wide or as narrow as one likes, and it has not been judicially interpreted; no-one knows how a court would interpret it, and I defy any honourable member here to give a definition of it. We know the evil that this Bill is aimed to cure, and that is the reason I support it.

I expect most members have read *The Vicar of Wakefield* by Oliver Goldsmith and of the person who went to the fair and returned with a gross of green spectacles, which he no doubt purchased as the result of unreasonable persuasion. I suppose all of us at one time or another have fallen for something. I remember being sold something in New York for $13 which I knew five minutes later was worth about 13 cents. The amendment is far too wide, and it is undesirable because it would undoubtedly interfere with the legitimate art of salesmanship. It is difficult to say what is unreasonable persuasion. I believe the amendment would result in putting many legitimate tradespeople out of business, and it would undoubtedly cause a harvest for lawyers.

Mr. Quirke: The Bill refers to "unreasonable persuasion", but you support it.

Mr. MILLHOUSE: Yes, because it is aimed at booksellers, and we know the evil in that case.

Mr. Quirke: But you have already said it will be difficult to prove it.

Mr. MILLHOUSE: I am prepared to support the Bill because it is aimed at one specific evil—the unconscionable bookseller. I think it is absolutely wrong to try to widen the scope of the Bill to place a general prohibition against all sorts of selling. That is what it does, and for those reasons I oppose the amendment.

Mr. BYWATERS: I support the amendment, for very much the same reasons put forward for the member for Mitcham, only in reverse. The honourable member said that it was all right for books but not for anything else. I say that a principle is involved. Much of our legislation is designed to protect the people who are perhaps ignorant of certain things and not necessarily fools. We all wish to protect people who are gullible when faced with these high-pressure salesmen. I did not agree with one statement by the member for Norwood about door-to-door salesmen. I was such a salesman before coming to this House, and I know that many of those people are reputable and legitimate.

The Hon. Sir Thomas Playford: The honourable member almost makes me support the amendment.

Mr. BYWATERS: That is just what I want the Premier to do. Legitimate people go around from door to door, but there are also the competitors who use undue pressure and persuasion and create a bad impression. If this protection is introduced for things other than books, it will make the high-pressure salesman realize that he has to go easy.

Mr. HEASLIP: I have some reservations about this Bill. Had it not been for the many complaints about the sale of literature, I doubt whether I should have supported the second reading. This amendment alters the Bill completely and I could not support it. If we, as a Parliament, are going to wrap up the people in cotton wool so that they will not get a knock or a jar from anything, what kind of a nation shall we have in the future? Much legislation we are now passing will have just that effect.

The Hon. B. PATTINSON (Minister of Education): I should like to bring the Committee back to this Bill and its limited and specific nature. For some years I have received complaints from nearly half the members of both Houses of this Parliament, by questions and protests on the floor of the House and by letters and deputations introduced by them, dealing with this one specific evil—sales of educational books by companies and their agents and salesmen purporting to act on behalf of the Education Department. I have also received scores of complaints from parent bodies and parents themselves, who have been victimized by these people purporting to act on behalf of or on the authority of the Education Department. The practice of certain companies and firms is to incorporate the word "education" into their business name. They call themselves *Education Foundation* or *New Education Company;* always the word "education" is incorporated as a prominent part of the business name. Therefore, it appears in their contract forms and literature. Salesmen come along and claim to be acting on behalf of the Education Department. They glibly cite the names of the Director and Deputy Director of Education and various superintendents and other high officials of the department. In nearly every instance they go along while the housewife is at home. They use the fear

complex on those women by stating that their children definitely will not be able to keep up with their school work or pass their examinations unless they have the use of these necessary and desirable sets of encyclopaedias and books. Then, if there is any unwillingness on the part of the mother to agree to purchase, they say, "Have you not the interests of your children at heart? We have more than you have because we are endeavouring to do the right thing by your children, while you are not."

Also, as far as I know, every one of these companies has its headquarters in another State and, even though a transaction occurs in South Australia, by the reading of the contract it is made technically to occur in either Victoria or New South Wales. Therefore, if the person does not put up the required amount of money, he gets a summons issued from a court in either Melbourne or Sydney. I should have been content to rest on the penal provision, subsection (1). The mere fact of the enactment of subsection (1) and the great publicity already given to it and further to be given to it would have had a sufficiently widespread deterrent effect for us not to hear any more of these people. Subsection (2) was a desirable adjunct to it; it dealt with unreasonable persuasion. I was prepared to do some pioneering in this limited Bill dealing with this limited class of persons. The member for Norwood, quite rightly, seized the opportunity in this Bill amending the Police Offences Act of trying to extend its scope. I have no serious objection to that. However, I have a real interest in this Bill's preservation and its enactment within the next 24 hours. It has to pass this House and the Legislative Council. I know that the honourable member has laudable intentions, but the amendment will, I believe, deny the passage of this desirable legislation. Rather than lose the Bill by broadening its scope, I would much prefer to lose subsection (2).

Mr. QUIRKE: I agree with the Minister that subsection (2) is unnecessary. Under its provisions a housewife would sign an agreement to get rid of a salesman and subsequently claim that she was subjected to unreasonable persuasion. I agree that we must get rid of undesirable booksellers who claim an association with the Education Department, but not all door-to-door salesmen are bad. Determined salesmen are not deterred by an emphatic "no" from a housewife. They are trained in special schools and often are objectionable, not because they are rude or crude but because they are persistent. They wear the unfortunate housewife down until in desperation she signs an agreement and then waits in misery to tell her husband. That practice should be stopped, but I do not want the legislation to ban all door-to-door salesmen. I believe that the practices mentioned by Mr. Dunstan should be stopped, but we should not completely ban all salesmen.

Mr. Dunstan: It will not affect legitimate salesmen.

Mr. QUIRKE: A legitimate tradesman with a reasonably priced and good mixer could be a high-pressure salesman. If he is denied the right of hawking his wares, so should every salesman, including Parliamentary aspirants who knock on doors and sell themselves. If they are successful in their sales talk, the voter cannot claim later to have been pressurized into voting for them. Unless we are careful we may ban all door-to-door salesmen. Who will judge whether there has been unreasonable pressure?

Mr. Dunstan: The court.

Mr. QUIRKE: Whom will the court believe? In every case I think the high-pressure salesman would lose the action.

Mr. Dunstan: The onus would be on the housewife.

Mr. QUIRKE: All she could say is that he did, and he would say he did not! How could a court decide such matters?

Mr. Dunstan: He would win the case because she would have to prove the matter.

Mr. QUIRKE: Then, even on the honourable member's own argument, this is not worth anything: it is no good. The member for Norwood informs me that the onus of proof is on the housewife. This provision can be rendered useless by these salesmen knowing that, if they put one housewife into court, even if they lose the case there will be great difficulty in persuading other housewives to take advantage of this clause, for they will not like to go to court. We want something better. I favour enacting legislation comprehensive enough to stop much of the badgering indulged in by these salesmen. In fact, they are not all men: some women are on the road too; they insinuate themselves into the house and are not challenged. They are destructive. No woman is likely to complain about being bested by one of her own sex.

This legislation as it is is not sufficient. We need something that can be studied and considered so that the onus of responsibility falls not so heavily upon the housewife. In most cases it is the wife who is involved

because the husband is not at home. There are not only car salesmen but tractor salesmen and others. We do not want this provision to embrace everybody. The subsection has been inserted as opportunity presented itself. I am always sceptical of this sort of legislation. I should like to do what the Minister suggests—include subsection (1) but not subsection (2), and then set about getting something not associated with education to replace subsection (2). If something of that sort could be done, this Committee would support it.

Mr. LAWN: Earlier, the member for Burra made it clear to the Committee that he supported this amendment.

Mr. Quirke: No; I did nothing of the sort.

Mr. LAWN: Look at *Hansard* tomorrow morning! It then became obvious to him that, if he supported the amendment, it would be carried, so he rose to oppose it. Everything he said can be applied to the whole Bill. He said that the housewife would have to prove that the books were sold to her by unreasonable persuasion: the fact that the housewife will have the right under the Bill to prove that unreasonable persuasion was used by a seller will drive all the undesirable book agents off the road.

Mr. Quirke: Subclause (1) will do that.

Mr. LAWN: If the Bill provides a penalty for unreasonable persuasion on the part of booksellers and it will automatically drive them off the road, then why will that not also apply to unreasonable persuasion on the part of those selling other goods and services? Will not those undesirable sellers, too, be driven off the road? The honourable member for Burra supported the amendment and he also said—

Mr. Quirke: I said it was too wide.

Mr. LAWN: The honourable member is condemning himself again. He said that the amendment was "no darned good".

Mr. Quirke: And no more it is!

Mr. LAWN: He concluded by saying, "I hope we shall carry the Bill in its present form and insert another clause embodying the very amendment the honourable member has suggested."

Mr. Quirke: No—subsection (1).

Mr. LAWN: I wrote the words down. He said, "The amendment is no darned good." He agreed with me just now. The last words he said before he sat down were: "I suggest we carry the Bill in its present form. I do not know how we shall draft it but let us draft another amendment."

Mr. Quirke: I said that we should include subsection (1) but not subsection (2).

Mr. LAWN: The honourable member wants to drive the booksellers off the road?

Mr. Quirke: Yes. If we include subsection (1), it will do that.

Mr. LAWN: The honourable member said, "If we include subsection (1) we shall drive the undesirable booksellers off the road."

Mr. Quirke: Let us get it right. I expressly mentioned subsection (1) and said that we should leave subsection (2).

Mr. LAWN: If the housewife has the same right to go to the court and prove that unreasonable persuasion was used in the selling of some goods other than books, then naturally it must follow that it will automatically drive other undesirable sellers off the road. The member for Burra said, "Let us get together with other people with ample qualifications to draft another provision to replace subsection (2)." Immediately preceding the member for Burra, the Minister of Education replied and condemned the amendment. However, on October 26, in reply to a question from the member for Norwood about fraudulent practices, the Minister said:

> This afternoon I shall ask leave to introduce a Bill to amend the Police Offences Act to deal with one aspect of the problem . . . I shall explain the Bill on Tuesday, and perhaps the honourable member can consider the aspects he has raised today when dealing with that Bill.

That was an invitation to Mr. Dunstan to move his amendment. In asking the Committee to reject the amendment the Minister said that the Bill dealt with the false and fraudulent representation of firms from other States. He asked members to carry the Bill and to defeat the amendment which deals with the false and fraudulent representations of local firms. Is the Minister seriously asking me to uphold fraudulent and false representations by local firms and to prohibit firms from other States engaging in such representations? I agree with the Bill, but I also agree that such practices by South Australian firms should be similarly dealt with.

The Minister said that he had been in this Parliament for some time and knew how to get a Bill through and how not to get it through in 24 hours. What did he mean? We are meeting as a Parliament and I know of no time limit, but apparently we have to get this Bill through within 24 hours. Why cannot we do so? Does the Minister suggest that it will take more than 24 hours to convince the Legislative Council that firms that indulge in false and fraudulent representation should be

banned? I would not suggest that, and I am confident that if the Bill goes to the Council tonight or tomorrow the Council will pass it tomorrow—or next Tuesday. I am not concerned about getting it through in 24 hours.

The member for Mitcham asked what was reasonable and unreasonable. That argument can be used in rebuttal of the members for Mitcham and Burra who asked in respect of the amendment, "Who will decide what is reasonable or unreasonable persuasion?" That argument can be used against the Bill. The Bill provides that no person shall indulge in unreasonable persuasion. If we pass the Bill who will decide what is unreasonable persuasion? That was no argument against the amendment. The court will decide the question, and as an advocate in the courts Mr. Millhouse would be one of the first to say that the court is capable of deciding what is reasonable or unreasonable persuasion. He said that he went to a fair once and purchased a dozen pairs of green spectacles. What he suggested was that we should read the Bill through rose-coloured glasses and examine the amendment through green-coloured glasses. He said that the Bill was introduced for a specific purpose. I agree, but are not all Bills so introduced? Are not all Bills subject to amendment? Do we have to accept every Bill as it is placed before us? If it is correct to suggest that this Bill must not be amended, it is equally correct to suggest that no Bill should be amended. That, too, was no argument against the amendment.

He said, "We all know the evil aimed at in the Bill." Surely it must be obvious to all members that we all know the evil aimed at in the amendment. It is the same evil, but instead of applying the provisions only to booksellers we suggest they should apply to undesirable and unreasonable persuasion in the selling of all goods. Mr. Stott referred to the selling of motor cars. I should like to refer to an attempt by a salesman to sell me a secondhand car. A recent press advertisement referred to a Ford Consul in excellent condition with a wireless. The price was reasonable so I went up Anzac Highway to look at the car. I inspected the outside paintwork, and I noticed a flat tyre, but otherwise the exterior appearance was good. The upholstery was good. I drew the salesman's attention to the flat tyre, and he said that it would be fixed. When I tried to open and close the doors I found that only two locks out of the five worked, so he promised to have the others fixed. I told him there was no aerial on the car, and he said he would put one in before I bought it. I inspected the luggage boot and found that it had no jack or tools, so the salesman called to another man and asked him to bring the tools and jack from another car to put in this car. I was not happy by this time, and I opened the door and asked how to start the car and work the lights, windscreen wiper and other things. I then asked him to switch the wireless on and he said, "Just turn it that way."

I told him to switch it on, which he did, but nothing happened. He then looked under the dashboard and used language that I could not repeat here about the South Australian public. He said that the car had been sold as having had a wireless and that he had advertised it as such. I did not ask him if it had an engine! The amendment is designed to protect people in these circumstances, and no valid argument has been advanced by any member against it.

Mr. STOTT: A company that has its registered office in Adelaide has sent representatives to my district selling irrigation equipment. The firm has made representations about the ability of its plant to deliver so many gallons an hour with a certain type of motor. The first plant installed proved totally inadequate to cope with the irrigation, and the purchasers would be able to prove misrepresentation. I took up this matter and as a result people were sent from the head office in Sydney, but no relief was given the six purchasers. One of them has taken legal advice (at a cost of £70) but unfortunately the case must be heard in Sydney and he has not enough money to attend. He has been told by his legal advisers that if he does not appear he can expect that an unsatisfied judgment summons for not less than £1,000 will be issued. Even if this amendment is weak in some respects, it is a step in the right direction to stop these undesirable salesmen.

Representatives of reputable firms are welcome on farms, and the amendment is not aimed at them. If it stops these misrepresentations, I support it strongly. The firm I mentioned replied to my letters and denied misrepresentation, yet an officer of the Irrigation Department who inspected the equipment said it could not possibly do what was claimed of it. The purchasers are landed with it now and, as it is inadequate, they must cart water to the high levels. I have many instances of this type of thing on my file, and I should be satisfied if this legislation frightened some of these people. I am not satisfied with the arguments advanced by the member for Mitcham who, although he strongly favoured

legislating for books, did not favour legislating for anything else. If it is wrong to use unreasonable persuasion to sell books, it is equally wrong to use it to sell faulty irrigation equipment.

Mr. RICHES: Last week-end I visited Peterborough where I was approached regarding the actions of people who have been going around the district recently selling crucifixes and who have been using the procedure mentioned in a question the day before my visit by the member for Norwood. Members of the clergy expressed concern about this matter, and I told them that it had been ventilated in Parliament and that the Minister of Education had said that he would introduce a Bill to amend the Police Offences Act to deal with people selling books from door to door and that he had invited the member for Norwood to submit an amendment that would deal with this practice also. I suggested to the person who approached me that he await the outcome of the move of the member for Norwood. I assured him that I would support an amendment that would seek to widen the scope of the measure to include these other practices as well. I passed on the information that I felt the Minister of Education was also concerned about the practice, and I confidently expected his support when an amendment was submitted.

I strongly urge the Committee to support the amendment. Many of these salesmen wait for the men in country towns to go to work and then persuade the women to enter into agreements, much to the consternation of the husbands when they return home. Invariably this practice makes for an unhappy relationship within the home, so it is a bad practice whatever way it is viewed. Any action that would allow the police to prevent this practice should commend itself to the Committee. The police in a country town know within a short time of the arrival of these salesmen, and many people would be protected if the police had power to act. In Port Augusta few salesmen would get away with these practices if this legislation became law.

Mr. Jenkins: There are many legitimate salesmen.

Mr. RICHES: This Bill does not affect legitimate salesmen.

Mr. King: The police would not lay a complaint, would they?

Mr. RICHES: At present, nothing can be done because their action does not constitute an offence. The headmaster of the primary school has gone to the police with complaints and so have I. If this became law the police would contact these salesmen and tell them they were being watched.

Mr. King: That would not stop them: a complaint would have to be laid.

Mr. RICHES: It would stop them all right, and they would not get far. The preventive action of this legislation is its chief value, not cases to be fought out in the courts after the event. I think the Minister would agree with that. If a husband came home and found his wife had signed an agreement to purchase something for which he could not pay, the police in Port Augusta would know about it within an hour. Fortified with the suggested amendment, the police would soon tell these people that their actions were being watched, and the preventive action this would ensure would be of immense value in country districts. I appeal to the Minister to extend the provision to deal with the other practices mentioned.

I hope the Committee does not adopt the suggestion to delete subsection (2). If this subsection were deleted, all that the Bill would do would be to give preventive action; the firm sending these salesmen out would disown the salesmen, but no relief would be given for the people who signed the agreements: their liability would still stand, and there would be no escape from the agreements. Subsection (2) gives that escape, and I think it is an important provision. The salesman would know that if he made an unreasonable approach or exerted undue pressure, the agreement could come unstuck. That is preventive machinery and something which should commend itself to this Committee. I appeal to the Committee to accept the amendment moved by the member for Norwood, because the matter is urgent. I do not think the provisions would be used except in the case of any deliberate breach of faith or deliberate defiance of the law by these salesmen.

Mr. CASEY: I support the amendment. In reply to a question by the member for Norwood last week about these fraudulent practices, the Minister of Education said that he would be introducing a Bill and that when it was introduced the honourable member could raise the matter that he has raised today. We may prevent one phase of the fraudulent activities of these super salesmen, namely, the selling of books, but they could resort to some other evil. As mentioned by the member for Stuart and myself, these people are going around selling sick-call crucifixes. Even if we stop these super salesmen in one

direction, they will go in another. We must regard this as a broad picture. Salesmanship today is a concentrated effort in one field and, when it runs out there, it is a concentrated effort in another field. The amendment broadens the Bill and will stop fraudulent practices by these super salesmen.

Mr. DUNSTAN: I appreciate the close attention members have given to my amendments. I am surprised that the member for Mitcham, and even more surprised that the member for Rocky River, contends to the Committee that it is right to allow people to do what is in effect cheating. The attitude of the member for Mitcham is: "The common law has for long taken the rule *caveat emptor* as a thing that it must uphold and, therefore, as the buyer has to beware, it is all right for cheats to prosper." The history of amendments to the criminal law over the last century has been a constant tendency away from that principle. The purpose of the enactment of laws relating to embezzlement, the passing of fraudulent cheques, etc., was to cut out the cheats that were available at common law. If the honourable member reads Hawkins's *Pleas of the Crown*, he will see these acts were able to be perpetrated prior to this series of amendments over the last century.

The tendency has been to protect people from cheats and, where we can, we should do so. We cannot do it in every instance but, so far as we can, we ought to give reasonable protection to the public—and that is all this amendment seeks to do. The Registration of Business Names Act Amendment Bill was designed to do something of this sort, too. I perhaps should not be surprised at the member for Rocky River's saying that *laissez faire* should be the case and that people's moral stature and education would improve by their being taken down. Some people in my district have been taken down whose moral stature and education have certainly not been improved by it; they have had to undergo real suffering and upset because of what they have been faced with. We ought to protect them, as the Minister is attempting to protect a section of people in the original Bill.

Let me turn to the extraordinary argument put up by the member for Burra. I am sorry to say these things while he is busy on other matters but I feel I should say them as he made one of the strangest speeches I have heard him make in this House. At the outset of his argument he said, "The amendment is no good because it provides that no door-to-door salesmen—and, in fact, no salesmen of goods on time-payment—will, in effect, be able to operate because anybody will be able to avoid the agreement. The housewife will be able to say, 'I avoid it; I have been subject to unreasonable persuasion.' That will be the end of it. You will cut off all legitimate salesmen, and it is quite unreasonable to do this."

That was his argument at the outset. Then it was pointed out to him that all the amendment does is lessen the onus upon a defendant in a court to prove undue influence, but the onus remains upon the defendant. The defendant would still have to prove that there was unreasonable persuasion if the buyer were sued by the seller in court. Then he said, "Ah, well, in that case it is useless. Then the housewife will not get any protection."

Mr. King: Didn't you say that the housewife would have to prove that undue influence was used?

Mr. DUNSTAN: Yes. She would be the defendant, if sued. She is given no right of action under this amendment. Under the amendment, the buyer is entitled to say, "I have had unreasonable persuasion exercised upon me to induce me to enter into this contract. I therefore avoid it; I will not pay the money." Then, if the seller decided that he wanted to enforce his contract, he would go to the court, as indeed many sellers now do. The buyer would then have open to her the right to plead that she had been induced to enter into the contract by unreasonable persuasion and, therefore, the court would have to deem it undue influence and that the contract had been avoided. But the onus would be on her to prove that.

Mr. King: That would be difficult.

Mr. DUNSTAN: I am not suggesting it would not, but I am suggesting that the amendment by reducing the proof of undue influence from the very stringent common law provision to her convincing the court on the balance of probabilities that she had had unreasonable persuasion exercised against her is some protection. Indeed, the Minister himself is saying it is some protection by proposing it in the Bill in respect of educational books. So, at one time the member for Burra says, "It is useless because it is getting rid of legitimate sellers", and the next moment, when it is pointed out to him that in fact the legitimate seller is protected and will not be hampered by this legislation, he says, "Ah, well, it is useless anyway. The amendment is no darned

good because the defendant does not get protection.'' The plain fact of it is that the member for Burra is obviously looking for any excuse to vote against the amendment.

Then he says, ''Ah, well, this is something that is introduced at the last moment; it is a patchwork quilt; let us not have anything to do with it.'' It is strange that the honourable member should adopt this attitude to the matter when I was specifically invited to canvass these matters when the Bill came before the Committee. I asked the Minister a question on Thursday of last week about fraudulent practices. I asked him specifically whether the Government was going to introduce any legislation to cover practices of this kind and he said that this legislation would be before the House and perhaps I could canvass these matters when dealing with the Bill. The Minister then says, ''Ah, well, I urge members not to press these things too much because it may prevent the passage of the Bill.'' I can only say that this legislation is in the Government's hands. I have yet to be convinced that the Government is not in a position to put legislation through Parliament and that, if it chooses to proceed with this matter and get it through in the time left to this Parliament, it will not be able to do so. I am not prepared to sacrifice my right to try to get some protection as soon as possible for some of my constituents who are being harshly dealt with at present by these unscrupulous door-to-door vendors and time-payment salesmen. I am not influenced by demands that we rush legislation through without properly considering amendments that should be before us.

The Minister did not raise any real objections to the amendment. All he said was that this Bill was introduced for a specific purpose and that we should confine it to that specific purpose. He has been adequately answered by other members. If the principle is all right—and I believe it is—in relation to unscrupulous book salesmen, then it should be all right in relation to other unscrupulous salesmen. There will not be a spate of litigation about unreasonable persuasion, for who are these people backing unscrupulous salesmen? We have heard of them frequently. They sell sick-call crucifixes, books, bogus white-ant services and roofing services. For the most part they are not prepared to stand up to a possible defeat in court. What happened when the first of these book-selling companies came to this State? Many solicitors pleaded in the courts undue influence —duress—in the making of the contracts and the company withdrew the summonses and did not proceed. These companies now employ the gimmick of instituting proceedings in another State, thus facing individuals in South Australia with the grave difficulty of proving fraud or misrepresentation, which is much harder than proving unreasonable persuasion. I believe we can put a stop to these practices reasonably well by accepting this amendment. The deterrent effect of making contracts voidable will be considerable and I think it is a reasonable protection to give to the public.

The Committee divided on the amendment:

Ayes (14).—Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan (teller), Hughes, Jennings, Lawn, Loveday, Riches, Ryan, Stott, Tapping, and Frank Walsh.

Noes (15).—Messrs. Coumbe, Hall, and Heaslip, Sir Cecil Hincks, Messrs. Jenkins, King, Laucke, Millhouse, Nicholson, Pattinson (teller), and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Hutchens, Ralston, McKee, and Fred Walsh. Noes—Messrs. Bockelberg, Brookman, Harding, and Nankivell.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. MILLHOUSE: I move:

After ''first-mentioned person'' in subsection (2) to insert ''if repudiated by notice in writing given to the seller within a period of 28 days after the making of the agreement''.

This is a simple amendment that should not create any controversy. At present subsection (2) provides that the agreement shall be voidable at the option of the purchaser, but no time limit for exercising the right to avoid a contract is set out in the subsection. This amendment inserts a time limit of 28 days. We all know that the Bill is aimed at door-to-door salesmen who persuade women to sign contracts who, within a matter of hours (possibly after the husbands return home from work) regret entering into those contracts.

Mr. Quirke: Will this apply to every contract?

Mr. MILLHOUSE: To contracts referred to in the subsection—to school books only. I suggest that 28 days is more than sufficient for any person to exercise the right to avoid a contract.

Mr. Jenkins: The books could be worn out in that time!

Mr. MILLHOUSE: Yes. Possibly 24 hours would be long enough. I think we should provide some limit to meet the legitimate case

where there has been a proper transaction, with no unreasonable persuasion, and then for some reason the purchase moneys are not paid and the seller takes proceedings at law to recover the cost. Then, perhaps six months later, he is met for the first time with the defence that the purchaser wants to avoid the contract. I am sure members would agree that that would be grossly unfair. If this defence is to be raised, it should be raised within a reasonable time; I suggest that 28 days is a generous estimate of a reasonable time.

Amendment carried.

Mr. MILLHOUSE: I move:

After "purchase shall" to insert "upon the giving of such notice".

This amendment is consequential upon the amendment just carried.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PULP AND PAPER MILL (HUNDRED OF GAMBIER) INDENTURE BILL.

Returned from the Legislative Council without amendment.

GAS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

CHILDREN'S INSTITUTIONS SUBSIDIES BILL.

Returned from the Legislative Council without amendment.

INFLAMMABLE LIQUIDS BILL.

Second reading.

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

That this Bill be now read a second time.

It repeals the Inflammable Oils Act, 1908-1954, and makes up-to-date provisions concerning the keeping and conveying of inflammable liquids. The present Inflammable Oils Act (which repealed the Kerosene Storage Act of 1873) was passed in 1908 and since then has been amended on only four occasions. None of these amendments were major ones and none altered the general scheme of the Act, which is still largely in the form in which it was passed in 1908. An examination of the record of the debate on the Bill in 1908 shows that conditions then were quite different from those of today. Petrol was a relatively new commodity and practically all petrol and kerosene was stored and sold in tins and cases. Bulk storage and transport were unknown. Many of the provisions of the present Act are difficult to apply in present-day circumstances and some of the definitions are misleading. For instance, by examining the Act and a proclamation of 1920 it can be ascertained (with difficulty) that methylated spirits is "petrol" for the purposes of the Act. The present Bill has been drafted in accordance with present-day conditions.

The definition of inflammable liquids as being "liquids which have a flash point of less than 150°F." is one which is adopted throughout the world. The same is the position in respect of the division of inflammable liquids into class "A" and class "B" liquids which is made in clause 4. A flash point of 73° Fahrenheit is the dividing point between class "A" and class "B" liquids adopted by the British and American Petroleum Institutes and accepted on a world-wide basis. The flash point is determined by test as defined in clause 5.

Clause 6 details the maximum quantities which may be kept without a properly constructed and registered depot. These maximum quantities are lower than those which apply under the present Act, but, having regard to the whole purpose of the Act, which is to protect the public against the risk of fire and explosion caused by inflammable liquids, the maximum quantities contained in the Bill which can be kept without control are considered to be reasonable. They are the same as are contained in the New South Wales Inflammable Liquids Act, with one exception: namely, that under this Bill the maximum is set at 25 gallons of class "A" inflammable liquid (petrol) while in New South Wales the figure is 16 gallons.

The Act distinguishes between storage of inflammable oils in registered premises and storage in licensed stores. The maximum quantity which may be kept in any registered premises is 800 gallons of kerosene and for many years there have been no places to which this has applied. Clauses 7 and 8 of the Bill provide that all inflammable liquids in excess of the quantities exempted from the Act must be stored in either drum depots or tank depots, the construction of which has been approved by the Chief Inspector and which have been registered by the Secretary for Labour and Industry in accordance with clause 9.

Clause 10 details the rules which must be observed by persons keeping inflammable liquids in a registered depot and persons

employed in and about those depots. Clause 11, requiring the appointment of watchmen in registered depots where more than 1,000,000 gallons of inflammable liquids are kept, is similar to the present provision. Clauses 12 and 13 deal with the marking of containers for inflammable liquids and the conveyance of such liquids and empower the making of regulations in respect of these matters. Clause 14 requires notice to be given before inflammable liquid can be conveyed, loaded or unloaded by ships. There is at present no control of pipelines in which inflammable liquids are moved from one place to another. Although the Act applies to storage in licensed stores and on wharves, it does not apply to pipelines outside the storage area or wharf and consequently there is no control at all over inflammable liquids in pipelines between wharves and storage tanks, nor would there be any law regarding a pipeline, if one were laid, from Port Stanvac to Port Adelaide. Clause 15, therefore, makes provision for pipelines to be constructed, maintained and operated in accordance with the prescribed conditions and requires the Chief Inspector to approve of all pipelines before they are installed.

Clause 16 provides for regulations to be made in respect of the situation of the processing sections of any oil refinery in relation to the storage areas. The distance between storage tanks is at present the subject of regulation, and new regulations will be made in respect of this matter in accordance with the powers contained in clause 8. Although an oil refinery is a "factory" in terms of the Industrial Code and the Country Factories Act, without clause 16 there would be no provision regarding the distance which would separate the process area from the storage area in a refinery. Clause 17, which requires that fires or explosions in registered depots should be reported to the Chief Inspector, is a new provision which is considered necessary. Clauses 18 to 24 inclusive deal with the appointment and powers of inspectors and follow the usual provisions. Clauses 25 to 30 inclusive deal with miscellaneous matters concerning prosecutions and evidence, the giving of notices and saving of common law remedies and proceedings. Clause 31 provides a general penalty of not less than £10 or more than £250; the present general penalties of £5 minimum and £100 maximum have remained unaltered since 1908.

All Government departments have been instructed to observe the provisions of the present Inflammable Oils Act although the Act expressly provides otherwise. In view of the fact that the Act is concerned with the safety of the public, the Government considers that this is a law which should be observed by Government departments and clause 33 therefore provides that the Act shall bind the Crown. Certain matters respecting the conveyance of inflammable liquids are part of the normal operations of the Railways Commissioner and of the Harbors Board. In 1933 the administration of the law relating to inflammable oils in respect of railways, ships and wharves was simplified and provision made for regulations which required enforcement of the Act by the Railways Commissioner or the Harbors Board to be made only on the recommendation of the Commissioner or board as the case may be. These provisions have been retained in clauses 32 and 34, and clause 34 also empowers the making of regulations.

In a matter of this nature most of the detailed provisions are more appropriately made by regulation than by Act; some of them must of necessity be rather voluminous. It is for this reason that clause 1 provides that the Act shall come into operation on a date to be fixed by proclamation. It cannot operate until the necessary regulations are made. Members will see that the Bill merely brings the Act up to date in accordance with present-day requirements for the safety of the public. I do not think it has any contentious clauses, and I commend it to the House.

Mr. TAPPING secured the adjournment of the debate.

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 31. Page 1658.)

Mr. LOVEDAY (Whyalla): When the Minister introduced the Bill he spoke briefly on it, and for that reason, amongst others, I wish to explain at some length the background of the Bill. Firstly, some amendments are coming up, and my explanation will show the reason for those amendments. The effective and important clause is clause 3, which reads:

In addition to any other powers to borrow money the commission may, without the consent of the ratepayers and with the approval of the Minister, borrow money on such terms and conditions and upon such security as the Minister shall determine for the purpose of making grants of financial assistance from time to time to any hospital situated within the area of the city of Whyalla or an adjoining area if the hospital is incorporated under the Associations Incorporation Act, 1929-1957, and if

the commission is satisfied that the hospital provides directly or indirectly for the needs of the local inhabitants.

On Monday of this week the wording of this Bill was discussed at the meeting of the Whyalla Town Commission, and a resolution was carried objecting to some of the words contained in clause 3. That resolution was conveyed to the Premier the same day, and subsequently he was good enough to agree to bringing forward amendments which would dispense with the objections of the commission to certain parts of that clause. The resolution drew the Premier's attention to the commission's letter of October 4 requesting that the Whyalla Hospital Board be given the necessary borrowing powers for the extension of the hospital, and it pointed out that the commission had not requested an amendment of the Act for that purpose; further, that it was not in favour of being given power to borrow for these purposes without the consent of ratepayers, or to borrow for a hospital which might be placed in an adjoining area. The commission requested that the Bill be withdrawn or adjourned to enable the commission to be consulted and a satisfactory conclusion reached. The amendments are on the file, and the Premier was good enough to agree to have them inserted in order to meet those objections. Under them the commission will be given power to borrow with the consent of the ratepayers and on such terms and conditions and upon such security as the commission shall determine. In addition, the words "or an adjoining area" will be removed.

The background of this goes back quite a long way. It has been obvious for some time that with the rapid expansion of Whyalla considerable extensions to the Whyalla hospital will be needed. That hospital is a private hospital and has been financed over the years from three sources: the State Government, the Broken Hill Proprietary Company, and residents of the town, with the B.H.P. Company providing most of the funds. When it was realized that expansion was taking place and that these substantial extensions would have to be made, the commission received a letter from the hospital board suggesting that the board be reconstituted. Of course, it was realized at that time that more money would be required for the extensions. The commission considered the matter and said that it was in favour of the hospital being proclaimed a Government hospital, with the extensions being financed by the State Government.

That was pointed out in a letter to the Hospitals Board of June, 1960, together with the reasons for requesting that the hospital be proclaimed a Government hospital. Those reasons were that it would serve areas beyond Whyalla and Eyre Peninsula, and in view of the equipment that would be installed in the hospital and the specialists from Adelaide who would visit there, the hospital would naturally provide a service which residents of all parts of Eyre Peninsula would wish to avail themselves of. On June 16, in the *Advertiser*, appeared a report to the effect that the Premier in a broadcast had said that owing to the expansion taking place the Whyalla hospital would soon be totally inadequate for the needs of the increased population, and that the Government was considering the establishment of a 200-bed hospital. The hospital board in June last year agreed to support this move, and the chairman of the board stated in his letter to the commission that in his opinion the community could not find one-third of the capital cost of this extension. That followed the Government's indication that it was not prepared to agree that it be a Government hospital but was prepared to find two-thirds of the capital cost involved, the total of which was then considered to be about £800,000, with the residents of Whyalla finding one-third.

The amount was scaled down somewhat and the figure of £660,000 was subsequently mentioned. It was then considered that on that basis the town would have to find £220,000. As I said, the chairman of the hospital board expressed the opinion that the community could not find an amount of that size. The commission wrote to the Premier requesting, for the reasons that I have mentioned, that the hospital be proclaimed a Government hospital, and stating that in such an event it was prepared to accept the normal responsibilities. In August, 1961, the Premier, at the commission's request, discussed with the commission the problem of meeting road costs involved in the expansion of Whyalla. At the same time the Premier stressed the need for the Whyalla hospital to have the use of the commission's borrowing powers for a loan for those extensions.

The sum of £32,000 was mentioned as a start, and the commission was requested to forgo its borrowing for some other projects on a lower priority. It was stated that the hospital board could not raise this money but would undertake to repay the commission principal and interest. On September 5, 1961,

the commission wrote to the Director of Local Government and asked whether the commission had power to borrow for that purpose as there seemed to be some legal doubt. The commission was advised by the Premier in September, 1961, that the Crown Solicitor expressed the opinion that it was not at all clear that the Local Government Act gave the commission the necessary power. I must point out here that the Town Commission works under the Local Government Act in all respects except for one or two small provisions in the Local Government Act that are inconsistent with the terms of the Town Commission Act itself, which refers only to the constitution of the commission itself.

In the meantime the commission had written to the hospital board asking how it would repay the interest and principal if the commission borrowed the necessary money, which could be up to £220,000. The board suggested that there would have to be, unless finance was coming from other directions, an increase in patients' fees and contributions to the local hospital and medical fund. It set out in its letter estimates of what could be raised in this direction. For example, it mentioned that, if the principal and interest repayments amounted to £16,000 per annum, the patients' fees in the wards would have to be raised by 17s. 6d. a day to a total of £27 2s. 6d. a week, and the contributions to the local hospital and medical fund would have to be increased, in the case of married men, by 2s. to 5s. a week and, in the case of single men, by 6d. to 2s. 6d. a week. I point out that, if the contributions to the local hospital and medical fund were raised beyond a certain figure, it seems probable that the contributors would be inclined to move out and join some other fund whereby they could get the necessary hospital and medical cover, and then the local hospital fund would be left without any revenue.

It is worth mentioning here that, as a matter of principle, I believe most people would agree that patients' fees should not be raised in order to meet capital costs of hospital extensions. It is also worth mentioning at this juncture that, if £220,000 were required for the extensions on, say, a 25-year term at 5¾ per cent, the amount required each year for principal and interest repayment would be approximately £17,000; over a 40-year term about £13,000 would be required each year. So, naturally, in view of what I have said, the commission was concerned about this doubtful security in regard to the repayments to itself if it raised a loan on behalf of the hospital. It was felt, of course, that raising the contributions to the local hospital and medical fund would provide the fairest and most equitable way of distributing the load if the money had to be raised locally, because almost everybody in the place would be contributing.

If the load were placed on the ratepayers only, many people in the city or town itself would escape; 800 men in the single men's quarters would escape contribution, and those resident in Iron Knob and Iron Baron, totalling at present about 900 people (a figure that will be doubled shortly), would also escape if the whole burden were thrown on the ratepayers. But all those people I have mentioned outside the town area are contributors to the hospital and medical scheme because it is virtually a condition of employment if one works for the B.H.P. Company to join the local hospital and medical fund.

That will explain why it is that the commission is cautious about this question of raising a loan of up to £220,000 for this purpose. As a result of those considerations, the commission wrote to the Premier on October 4, 1961, advising that the commission would prefer the hospital board to be given the necessary borrowing powers instead of itself. At the same time, the commission said it was prepared to strike a rate of one penny in the pound, yielding just over £4,000 a year and increasing each year as the town extended, to assist in the position. That is the normal amount required by the Director-General of Medical Services and the Hospitals Department where a council is contributing to a country hospital an amount equivalent to about six per cent of the total rate revenue. In this case, the total rate revenue is about £65,000, and six per cent of that is £3,900. While I am on this question of whether the town is pulling its weight in regard to rates (and it has been suggested that the rates should be raised to accomplish this purpose), I point out here that there are two sets of rates for the town: east and west of Hincks Avenue, which cuts the town in two, north and south. Most of the newer area is west of Hincks Avenue. The rates east of Hincks Avenue are now 1s. 1d. in the pound, with a minimum of £10, and most of the rates are between £10 and £27 for residentials. West of Hincks Avenue there is a £15 minimum, and the rates are up to 2s. in the pound, which is the maximum allowed under the Local Government Act.

Mr. Coumbe: What values do you act on?

Mr. LOVEDAY: Unimproved land values. The reason for that differential is that that was necessary to provide finance for the road-making in the new areas and, when finance has been used for the road-making in the new areas, there will be little left for anything else, so it is clear that the council is certainly doing all it can without putting too impossible a burden on the ratepayers.

On September 19, 1961, the Minister of Local Government notified his intention to introduce a new clause when the Whyalla Town Commission Act was before another place. The Act at that time was to be amended in three respects, and this was an additional clause to give borrowing powers without the consent of the ratepayers. Certainly it was not mandatory. It says that the commission "may" but, for various reasons, the Bill was withdrawn. It would have been necessary to get an instruction. I wish to point out that I informed the Minister on the following day that the commission had not requested the amendment and I said that the commission was concerned about how repayment was to be achieved. The Minister seemed rather surprised. In fact, he said to me: "You do not expect to get repaid, do you?" So I think the Minister realized that the prospect of the commission's being repaid in existing circumstances might be rather slight. The first amendment introduced in the Legislative Council did not contain the words "or an adjoining area" in proposed subsection (4), but they were added in this Bill. The commission is not satisfied with that inclusion because it will give the commission power to borrow money for any hospital in areas adjoining the city area. There seems to be no reason why, if a hospital is to be placed in an adjoining area, that area should not be brought within the city boundaries.

Mr. Bywaters: How far away would an adjoining area be?

Mr. LOVEDAY: That is not defined, but when the Steelworks Indenture Act was passed the B.H.P. Company had inserted a provision to the effect that the local government body should, at no time, have any jurisdiction over the land north of the Whyalla to Iron Knob tramline. Since then it has been suggested that part of that area might be used for residential purposes. I think that the words "adjoining area" could refer to that suggestion. However, the commission strongly believes that if that adjoining area is built on for residential purposes and a hospital is constructed there it should be brought within the city area.

The commission received no reply to its request for the borrowing powers to be given to the hospital board and the commission was not consulted about the framing of this Bill, so the commission cannot be blamed if it believes the Bill is not to its desire and satisfaction. The commission is not in favour of being given the powers without the consent of ratepayers. The composition of the commission will change in time and the powers could obviously be used for future loan requirements for other hospitals if such hospitals were found necessary. The amounts involved are large and the security for repayment may be doubtful, therefore the ratepayers should be protected and their consent should be necessary. The Town Commission Act is emphatic on the question of the consent of ratepayers.

The commission came into being as a result of a public meeting requesting this form of government. At that meeting the residents requested that the commission should not be able to purchase or resell or distribute electricity, or purchase or lease any dairy farm, dairy or abattoirs without the consent of the ratepayers. The Town Commission Act makes special mention of sections 226 and 227 and Part XLIII of the Local Government Act regarding the consent of ratepayers in respect of the striking of a special rate and the general conditions about a poll of ratepayers. In other words, the people emphasized this condition. All provisions of the Local Government Act apply to the commission except those few that are inconsistent with the Town Commission Act.

The desirability of having the approval of ratepayers was implied by the Minister of Local Government previously when negotiations were proceeding between the commission and the Minister concerning the borrowing of a large sum for a civic building. The rents from that building were to pay for it over a 25-year period. A letter from the Director of Local Government dated August 27, 1959, included the following statement:

> However, the Minister is not desirous of usurping the right of property owners to gauge local needs.

The Minister was then concerned about the rights of ratepayers regarding a matter in which there was plenty of security for borrowing. We should be just as concerned today about the rights of the ratepayers where

there is less security for borrowing. The commission is also opposed to being given power to borrow for a hospital that might be built in an adjoining area. If the words are omitted, as the Premier has agreed, that objection will be overcome. The proposed amendments remove the commission's objections to the Bill's wording. The commission would much prefer a Government hospital, but that has been refused. The commission would prefer the hospital board to have the borrowing powers, but the Premier says that that cannot be done, so we are faced now with a Bill that will certainly provide some means of making progress, but will not provide a full solution to this particular problem.

The financial load of £220,000 on an industrial town involved with such rapid expansion is too great and undoubtedly there will be great difficulty in raising the amount locally. It has been suggested that the £4,000 from the Whyalla Town Commission (which the commission has said it will be willing to provide) is not very much, but I point out that if it were used to service part of the loan it would service about £50,000 worth. That is a substantial amount out of the £220,000. The real problem is how money for repayment of this and other loans can be found without placing excessive charges on the community and without applying an inequitable burden on some sections of the community.

I support the Bill, subject to those amendments which make it acceptable to the commission. Nevertheless, I am satisfied it is not the end of this question, because it will not provide a full solution to the problems faced by the Whyalla Hospital Board or the Whyalla Town Commission. I know of no other place in South Australia where such rapid expansion has taken place and where matters of this nature have been fully financed by local people in a short time. In fact, where the Government has established new towns this work has been financed from sources other than the local residents. An amount of £220,000 on an industrial town where people work for wages is a formidable sum, but the people realize their responsibilities and have no objection to what they regard as an equitable contribution to this important project. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 27."

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

In new subsection (4) to strike out "without" and insert "with".

I shall also move other amendments, the effect of which will be that the ratepayers rather than the Minister will have to be approached. I think they meet the requirements of the Whyalla Town Commission.

Amendment carried.

The Hon. Sir THOMAS PLAYFORD moved:

In new subsection (4) to strike out "and with the approval of the Minister".

Amendment carried.

The Hon. Sir THOMAS PLAYFORD moved:

In new subsection (4) to strike out "Minister" second occurring and insert "Commission".

Amendment carried.

The Hon. Sir THOMAS PLAYFORD moved:

In new subsection (4) to strike out "or an adjoining area".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 10.45 p.m. the House adjourned until Thursday, November 2, at 2 p.m.