HOUSE OF ASSEMBLY.

Wednesday, October 2, 1963.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

MEDICAL OFFICERS.

Mr. FRANK WALSH: I understand that in 1957 four certifying medical officers were appointed in accordance with Part XI of the Workmen's Compensation Act. Since then, one has died, leaving only three. Will the Premier consider the immediate appointment of a further three certifying medical officers to cater for the ever-increasing number of persons being engaged in secondary industry?

The Hon. Sir THOMAS PLAYFORD: I must confess that I was not aware that there were any vacancies but, if any action is necessary, I will see that it is taken. I will inform the Leader in any event.

RELIEF PAYMENTS.

Mrs. STEELE: My question, directed to the Premier, concerns deserted wives and mothers of deserted families and the effect of the presence of television sets in their homes on relief payments. Some women have come to me—and I have also been approached by the Supporting Mothers Association—to see whether these cases can be considered on their merits. At present, as members are aware, if people are receiving relief they cannot have a television set in the home. I have discussed this matter with the Chairman of the Children's Welfare and Public Relief Board, who considers that he has gone as far as he can in this matter and that it must become a question of Government policy. I have here a letter on this subject which I think expresses the position much better than I can do. That letter states:

A television set was loaned us by a very kind family with two T.V. sets in their home. There were no strings attached, and I had it completely free for as long as I wanted it. These people did not like to see me sitting here alone at night while they could help with the wonderful comfort it brought to us. Its withdrawal has affected us all, and the children do not want to come inside even when it is dark outside because they complain they have nothing to do, whereas before they would race home from school in time to view something special on it. Since the Welfare Officer has been, the people of this district have had much to say about what they call "dark age" laws. It would be no different if someone loaned me a home appliance, say, a washing machine, etc. People are kind-hearted and only want to help, and, indeed, are always willing. I have had another offer of the loan of a T.V. from a prominent resident here. It is their son's and he does not use it much, so you can see how good they are. There are no strings attached to this, either. They all say T.V. would be better to keep the family together and not roaming the streets. The small children wonder why everyone has their T.V.'s and ours has to go but I can't explain to them about such things as laws. We never had it and never missed it as children but today children have tasted it and liked it. Mine were never allowed to stay up late. They know they have to get to bed at a certain time and accepted that fact no matter what was on. It had not affected their school work. No doubt there is no denying it has helped in a lot of different ways.

Many of these women are allowed to supplement their earnings, but they cannot purchase a television set for their own or their children's enjoyment. Although I appreciate that public money is being spent, will the Premier say whether the Government will examine this matter again and see whether such cases could be considered on their merits?

The Hon. Sir THOMAS PLAYFORD: I think a Bill now before the House has a clause dealing with this matter, so I am not sure whether it is appropriate for me to canvass my opinions on it.

The SPEAKER: The Premier would be out of order in debating it.

The Hon. Sir THOMAS PLAYFORD: I think so. However, the assistance granted through the Children's Welfare and Public Relief Department is for people in need, and the department has always considered it inappropriate for any funds it provides to be spent upon what might be regarded as other than requisite items. I have no objection to a person who has a television set getting assistance from the department provided that the assistance has not been built up to provide a television or that it is not used to purchase or rent a television. If it is purely a matter of someone's legitimately lending a television set to the person concerned, I have no objection, and I cannot conceive of any objection. The problem the department has encountered is that so many television sets reputedly lent are in fact hired. However, I do not intend to debate this matter because it is already the subject of legislation now before the House that was introduced, I think, by the Leader of the Opposition, and this would be more conveniently dealt with in the discussion in Committee on a particular clause of that Bill.

BELTANA SCHOOL.

Mr. CASEY: During the last 18 months, and particularly since the Radium Hill mine was closed, I have been pleased that the Minister of Education has taken up my suggestion about providing houses from the Radium Hill project for the use of schoolteachers. The purpose of establishing these houses in remote areas and in the northern districts was to enable the Education Department to appoint married couples as teachers in these areas. I recently received a letter from people in the Beltana district in the Far North, where a residence adjoining the school (a large and beautiful home) is, unfortunately, not being used to the fullest extent. At present, Beltana school has an enrolment of 25 children, and next year 30 children are expected to be enrolled. These people have signed a petition for me to convey to the Minister, requesting that he consider the appointment of a married couple to Beltana for the next school year.

The Hon. Sir BADEN PATTINSON: First, let me say I am pleased to co-operate with the honourable member and his constituents, because I have much sympathy with the parents, children and teachers living in these far distant centres. If I can assist by having a married couple appointed I shall be pleased to do so. It would not be possible now but, as the honourable member requested that it be done at the beginning of next year, I shall give the request my personal and sympathetic consideration and hope to be able to accede to it.

FREEWAYS.

Mr. COUMBE: Yesterday the Minister of Roads announced that freeways would be built in and around the metropolitan area. This matter concerns all honourable members, but I am particularly interested because my district will be connected with two of these freeways. Although this important matter has been given excellent coverage by the press, it is difficult to follow the details of the planning. Will the Minister of Works ask his colleague, the Minister of Roads, for a report containing details of the freeway routes?

The Hon. G. G. PEARSON: I will confer with my colleague and ask him whether that can be done. I will also ask for a definition of the terminology used in the press report regarding the financing of the roads by the American system of finance.

DELINQUENT GIRLS.

Mr. HUTCHENS: In view of the circumstances, I hope that I shall put this question in suitable language the Minister will be able to understand. Recently, Mr. Justice Travers expressed from the bench in forcible language his regret that the law did not allow him to send certain young females to a reformatory school, although they had probably been the cause of young men being lured into difficulties. I ask the Minister of Education, representing the Attorney-General, whether this matter has been considered by Cabinet. If so, has any decision been made? If not, will the Minister consider this matter with a view to introducing satisfactory legislation?

The Hon. Sir BADEN PATTINSON: I know the matter has been considered in some detail by my colleague, the Attorney-General, and there was a brief and informal discussion in Cabinet about it. However, there seems to have been some misunderstanding or misinterpretation of the remarks made by Mr. Justice Travers, because there is power under certain circumstances for the judge to commit a delinquent girl to a reformatory. However, the Attorney-General is seeking a detailed opinion from the Crown Solicitor, and I have no doubt that he will soon refer it formally to Cabinet when a lengthy discussion will ensue and probably a decision will be arrived at and, in due course, announced.

NARACOORTE HIGH SCHOOL.

Mr. HARDING: Can the Minister of Education say what was the outcome of the survey regarding drainage of the new oval at the Naracoorte High School? Also, is it intended to do anything to rectify the present situation which is causing the water that is drained from the oval to flood onto four private properties and Field Avenue?

The Hon. Sir BADEN PATTINSON: The Director of the Public Buildings Department reports:

Following complaints of flooding to neighbouring properties, a survey was made of the drainage problems at the Naracoorte High School. As a result of this survey it was decided to ask the Mines Department to investigate the practicability of sinking drainage bores to dispose of the stormwater run off from the hockey field. The Mines Department has advised that they recommend this proposal as a solution to the drainage problem and have provided estimates of costs to carry out the work. It will be necessary to provide a system of collective water drains to the bores and a design is now being prepared for this work. When this design has been completed and the cost estimated, a submission will be made for approval of funds for the overall scheme to proceed.

RAILWAY CROSSING.

Mr. BYWATERS: I believe that the Minister of Works is aware of a crossing four miles east of Murray Bridge which has caused many deaths over recent years, and that the Government has approved the building of a new bridge over the crossing to alleviate this situation. I understand that the bridge is almost completed but that the roadworks have yet to be carried out. Will the Minister representing the Minister of Roads ask his colleague when these will be completed so that the bridge can be used?

The Hon. G. G. PEARSON: Yes.

LAKE BUTLER BOAT HAVEN.

Mr. CORCORAN: Has the Minister of Agriculture a reply to the question I asked on September 4 regarding the source from which rock will be obtained to build the breakwater for the Lake Butler boat haven at Robe?

The Hon. D. N. BROOKMAN: The honourable member suggested that the stone for the breakwater might be coming from an area that was a national pleasure resort or beauty spot, or which was, in some way, treasured for other reasons. I have ascertained that this is not so. The Harbors Board has been asked to proceed with the project and to get the stone from an area, the name of which I cannot recall. It is not Gyp Gyp Rocks. As far as I know, the area has no particular value.

CIGARETTE MACHINES.

Mr. JENNINGS: Has the Premier a reply to a question I asked earlier this session about cigarette vending machines in private homes?

The Hon. Sir THOMAS PLAYFORD: I have written a letter to the honourable member which I propose to let him have today so that he can pass it on to the person who lodged the complaint with him. The letter sets out the following report from the Prices Commissioner:

Inquiries have disclosed that there are three firms engaged in installing cigarette vending machines in private homes. Each of these firms charges the recognized retail prices for all cigarettes sold through the machines. The machines are installed in a number of suburban localities, including a few in Kilburn and Blair Athol. Trade opinion is that on present indications the demand for machines in private homes is not likely to increase sufficiently to constitute a serious threat to retail tobacconists. There does not appear to be any legislation at present preventing or controlling the installation of cigarette machines in private homes, and in view of the position disclosed by the department's inquiries it is not considered that any action in the matter is required at this juncture. The department, however, will review the trend in this form of selling at a later date.

This report is incorporated in the letter which I will see that the honourable member gets this afternoon.

CONCESSION FARES.

Mr. RYAN: Some time ago I informed the Minister of Railways, through the Minister of Works, that, although the Government had increased the school leaving age from 14 years to 15 years, and although schoolchildren had the right to travel at concession fares on public transport to and from school, such children were regarded as adults when travelling on public transport at other times. I received a reply from the Minister yesterday informing me that the authorities—and I can only assume that the Minister was referring to the Railways Commissioner and the Municipal Tramways Trust Board—did not intend to give further concessions to children travelling on public transport other than for school travel. As these children are compelled by State law to attend school until they are at least 15 years of age, can the Premier say whether the Government will consider regarding them as schoolchildren when they travel on public transport instead of treating them as adults, thus imposing a further financial burden on their parents?

The Hon. Sir THOMAS PLAYFORD: Any child compelled to attend school until the age of 16 years is regarded as a child for the purposes of the present concession fares while travelling on buses. What the honourable member is referring to is that there are no concession fares available for these scholars travelling at ordinary times and in ordinary circumstances. The Government at present is most concerned that there should be no general increase in transport costs. The Government is faced with heavy increases in margins as a result of important industrial decisions. These, of course, have a bearing on the running costs of public transport, and the Government is anxious to try to retain the present fares instead of increasing them to the travelling public. We believe that many of our problems arise from the fact that not sufficient people use public transport and that too many use private cars—in many instances uneconomically. The answer to the honourable member's question is "No". The Government would not be prepared to extend concessions that could only result in making it more difficult to maintain the present standard of charges to other people.

DECIMAL WEIGHTS.

Mr. LAUCKE: Bearing in mind that bushel weights are outmoded and are, indeed, a ridiculous method of weighting—we have a 20-lb. bushel of bran and pollard, a 40-lb. bushel of oats, a 50-lb. bushel of barley, and a 60-lb. bushel of wheat—and that a change to the decimal system of weighting is as necessary as is the change to decimal coinage, can the Premier say whether consideration is being given to the introduction of decimal weighting simultaneously with the introduction of decimal currency?

The Hon. Sir THOMAS PLAYFORD: I believe that I have already forwarded some communications that came to me from various sources to the Commonwealth Government, and I probably have a reply on my file. However, I should like to check to see whether an approach on this topic was made to the Commonwealth Government. It is one of many subjects on which correspondence has passed through my office. I will let the honourable member have a reply tomorrow.

CORNELL LIMITED.

Mr. McKEE: On May 9, 1963, Cornell Limited was placed by a court order under an official manager. Customers have been told that all guarantees and warranties on goods sold prior to that date have been suspended. Can the Minister of Education say what is the position of customers who have purchased goods prior to that date regarding the cost of repairs to items under guarantee?

The Hon. Sir BADEN PATTINSON: I shall be only too pleased to inquire of my colleague, but I take it from what the honourable member has said that there was no cancellation of the guarantees, only a suspension of them, and I would think there is no great cause for undue worry. I will get a report for the honourable member as soon as possible.

SWIMMING POOLS.

Mr. TAPPING: I believe that it has been the Government's policy for some years to provide a subsidy to a total of £4,500 towards the building of a swimming pool, with a maximum of £1,500 in a financial year. However, other opinions have been expressed recently, including one by Councillor Bridgland, the President of the Swimming Association of South Australia. Councillor Bridgland said that a pool could be built for £20,000 and that the Government could grant a subsidy of £9,000. As there is a plan in Semaphore to build a pool soon at a possible cost of £40,000, this intimation of Councillor Bridgland is very interesting to the people there. As I have not heard the Premier make an official statement about the Government's plans in this matter, can he now give further information about subsidies for pools?

The Hon. Sir THOMAS PLAYFORD: The general policy of the Government in this matter has not changed. For many years it has been the policy to grant subsidies on a pound-for-pound basis up to an expenditure of £1,500 in any one year, on an approved project involving the establishment or extension of a swimming pool. That sum is available in any one year on an expenditure basis. With the concurrence of the then Leader of the Opposition (Mr. O'Halloran) it was agreed that I should commit the Government to three annual payments: in other words, the Government would provide for three annual payments ahead, so that communities would know they could get their payments ahead. That does not mean that all swimming pools have received subsidies of only £4,500: many swimming pools have had much more than that on the basis of receiving £1,500 a year in respect of £1,500 expenditure in that year. That policy has not been changed. It has led to a considerable expansion of swimming pools in the country and in the metropolitan area, and I believe it has been most advantageous. However, the matter upon which Councillor Bridgland commented is rather different. The swimming association has stated that it is at a great disadvantage because it has no headquarters in South Australia where national or international swimming contests can be held and no swimming facilities similar to those provided in other States where a substantial number of spectators can be accommodated. It is stated by the association that such facilities would attract the best swimmers from overseas, and it is most anxious that a headquarters of the association be provided with an adequate Olympic standard swimming pool with proper stand accommodation. I previously said that the Government could not consider putting this type of pool around the country areas (they are far too costly for that), but that if the association designated one project the Government would look at it as a headquarters for swimming, in the same way, for instance, as it has provided a subsidy for the Amateur Athletic Association to establish a headquarters running ground. No project, however, has yet been submitted. Obviously, as such a project would involve much more money than would an ordinary

swimming pool, it would have to be fairly carefully considered. That is the background of the councillor's report. It does not arise out of a general change of policy: it is merely that such a centrally located high quality Olympic standard pool is desired.

NUCLEAR POWER STATION.

Mr. HUGHES: The people in my district were most elated to hear the Premier's statement on September 4 that British authorities, on behalf of the State Government, were examining a site for a nuclear power station 10 or 15 miles along the coast from Wallaroo. Has the Premier further information on this matter?

The Hon. Sir THOMAS PLAYFORD: First, I make it clear, as I did when making my earlier statement, that this investigation was made to ascertain costs: it did not involve any promise that this site would ultimately be chosen. It is not the case that this site was being investigated with a view to placing such a power station there, and I make that clear so that there will be no misconception of the position. In order to compare the costs of a conventional power station with those of a nuclear power station it is necessary to relate those costs to a specific project, and for the purpose of comparison a site fairly close to the honourable member's centre of Wallaroo was chosen. I emphasize that it was not chosen as a preliminary for actual work to be done at that site, nor was any promise given that that would be the chosen site. This site was one that the Electricity Trust had in mind as being a possible site, so it was chosen for the purposes of comparison.

I have not yet seen the details of the investigations, but I can say that because of the rate of exchange there would be an increased cost of installation in South Australia of about 25 per cent. In addition, we know that there would be added cost in South Australia on some items at least because they would have to be imported from overseas. The figure that had been considered as being probably somewhere near the mark was a 40 per cent increase on similar installations in Great Britain. Actually, the survey was made to see whether that figure was realistic or whether it was too high. I believe the figure was too high, and that it was inflating the cost of nuclear energy in the comparison. However, when a report is available I will tell the honourable member and the House what the figures actually show.

SCHOOL BLINDS.

Mr. LANGLEY: On a recent visit to the Goodwood Primary School I found that window blinds were needed to stop sun glare. Will the Minister of Education say whether an application has been made for shades to be installed at this school and whether it is the policy of the department to install these fixtures in all schools?

The Hon. Sir BADEN PATTINSON: No, not at one fell swoop, but they are considered as individual applications are made. I am not aware of the application, but I will inquire and, if the position is as stated by the honourable member, I shall endeavour to expedite the installation.

GRAPE PRICES.

Mr. CURREN: I have been approached by the Chairman of the Upper Murray Grapegrowers Association to request formally that the services of the Prices Commissioner be made available to inquire into and recommend fair prices for the 1964 vintage. If the Prices Commissioner is made available, will the Premier request that his report be made available to growers' representatives earlier than in the past?

The Hon. Sir THOMAS PLAYFORD: I am prepared to agree to the proposal suggested; in fact, for many years, at the instigation of growers and the industry generally, the Prices Commissioner has negotiated on prices and has made a report which, I believe, has been of great benefit to the industry. For instance, I believe that last year prices would have, unnecessarily, been unfavourable to growers but for the stabilizing effect of the Commissioner's report. Regarding the second part of the question, I think every member realizes that the prices that can be realistically fixed for grapes depend to a certain extent on the size of the vintage, so it is difficult to get the prices out a long time ahead of the date on which they should operate. We will do our utmost to publicize the prices as early as possible, remembering always that to a certain extent they must be related to the size of the vintage or they will mislead the grower, as he will not get the prices ultimately because no buyers will handle the grapes at the prices fixed. I will do my utmost to see that the report is available earlier and to see that it gets wide publicity.

BOOK SALESMEN.

Mr. HALL: Book-selling racketeers are still operating in this State. Recently I was approached in my home by a salesman who had certain books for sale, and he used devious methods indeed to put these books before the public; I believe some of his actions were completely outside all decent means of selling. The price of these books was the fantastic sum of £436, to be paid, I believe, over 10 years. Recently, a constituent from Para Hills told me that he was absent from his home when a book salesman called and that the salesman had induced his wife to sign for the apparent subscription to a book. This does not appear to be a hire-purchase agreement and, when the husband returned, he endeavoured to repudiate the deal. He subsequently received the book, which is a family Bible (very much overpriced, I believe), and he tried to return it. The company would not accept its return, and it has written to him saying that the subscription is overdue. It has since threatened to take legal action to recover the price of the book. I believe the Premier has been approached about this company, which is called the Good Counsel Publishing Company (a misnomer, if ever there was one). Has the Premier had any report about the activities of this company; will he refer the price of £436 for a set of books sold by the Grolier Company, and payable over 10 years, to the Prices Commissioner; and will he say whether the Good Counsel Publishing Company can enforce the payment of this subscription for this family Bible?

The Hon. Sir THOMAS PLAYFORD: At some stage this afternoon I should like the honourable member to give me the name and address of the people concerned so that I can have definite evidence procured from them as to the nature of the transaction. If he will do this, I will certainly refer the matter to the Prices Commissioner. I should like some publicity to be given to the fact that many people appear to be securing by devious means all sorts of agreements and contracts from unsuspecting persons by visiting their homes. I do not know how we can, legally, stop it. I heard of a case in my own district the other day that was undoubtedly completely fraudulent, but where such a transaction takes place with an unsuspecting person who has no witnesses and there are two visitors, the weight of evidence is against the householder. I do not know the legal position, but I would favour providing a very harsh penalty to stop this sort of practice. I will certainly refer the honourable member's question to the Prices Commissioner, and we will see whether we can get information that will lead to an offence being established. In any case, I seriously advise any persons who are visited by people they do not know against undertaking transactions that they have not contemplated before being enticed.

FLINDERS RANGES.

Mr. RICHES: From time to time I have advocated the establishment of reserves in the Flinders Ranges and other parts of the State. I understand that a press statement made recently by the Minister of Lands indicated some activity on the part of the Government, and I should be grateful if the Minister would elaborate on the press report and say whether the Government has a definite policy regarding the establishment, extension, or maintenance of reserves in the Flinders Ranges. If he has not, will he have an investigation made with a view to his becoming informed on the desirability of such action being taken?

The Hon. P. H. QUIRKE: The Government now has a policy relating to acquiring suitable areas for various purposes such as wild life reserves and national parks. Applications to acquire this or that property come before me constantly. Some properties are suitable and some are not, but it is not my decision or that of the Government to say whether they are suitable or not. It is the duty of the Land Board and of the various authorities that are set up, such as the Commissioners of Wild Life Reserves, to report on those matters. My department and I are only too pleased and eager to receive suggestions from honourable members and others as to suitable areas that may be acquired for the purpose stated by the honourable member for Stuart. I am sure that no definite policy exists relating to the Flinders Ranges, although it would be desirable that areas there be reserved for such purposes. If the honourable member can assist in that regard I should be happy (and I am sure the Government would be happy) to co-operate with him in the preservation of such areas by their acquisition for permanent parks and gardens for the benefit of the people generally and for posterity.

Mr. HEASLIP: At present the Commonwealth Government is establishing a television station at the top of what is known as The Bluff in the Flinders Ranges between Wirrabara and Port Pirie. To enable it to do this a scenic and very fine road has been built through the Flinders Ranges to

this point. From here wonderful views are obtained of Spencer Gulf, Port Pirie and Port Germein to the west, and of agricultural areas to the east. It has become a most popular drive at weekends and could be used as a tourist attraction. As many as 70 cars try to park at the top of the road and as many as 500 people visit the area on a Sunday. However, the road is so narrow at the top that there is no room for parking, and it could become dangerous because of the traffic congestion. In the interests of tourism and the advancement of this State, will the Premier, as Minister in charge of the Tourist Bureau, consider spending money to provide a parking area adjacent to the television station at the top of The Bluff?

The Hon. Sir THOMAS PLAYFORD: Fundamentally, I would favour giving an affirmative answer forthwith, but the facts might not allow me to do that. For instance, I do not know whether the land is owned by the Government, and one or two other matters might have to be considered. I will have the matter examined and inform the honourable member.

ANGLERS CLUBS' SUBSIDY.

Mr. BURDON: The Mount Gambier Anglers Club, which is interested in stocking the Valley Lake at Mount Gambier with fish, has spent about £1,000 in purchasing young fish, mainly rainbow and brown trout. This lake is an attraction for tourists, many of whom are anglers. The local club is having difficulty in financing the additional stocking of this lake. Will the Minister of Agriculture consider paying a subsidy to clubs which are interested in stocking lakes or streams to make them tourist attractions?

The Hon. D. N. BROOKMAN: I shall have to examine this matter more closely. It does affect tourism, but it would be necessary to see whether it is possible to obtain the funds. The matter would have to be given further thought before I could give a considered reply. I will study the honourable member's question.

WEST PARK LANDS.

Mr. FRED WALSH: Last week it was reported in the press that the Parks and Gardens Committee of the Adelaide City Council had before it an application for approval to construct a change-room at the sports centre for the Western Teachers College in the west park lands. I understand that this committee opposed the plan because the size of the centre was over 10,000 sq. ft. These plans, which were approved last year, are again before the committee, but they have been deferred pending a request to the Education Department to modify the plans. I am concerned with the aesthetics of the Adelaide park lands, and the members on this side are committed to a policy opposing further alienation of the park lands. Will the Minister of Education request the Education Department to modify these plans?

The Hon. Sir BADEN PATTINSON: Yes, I shall be pleased to do so, because I consider that the Adelaide City Council has been most co-operative with the Education Department in providing facilities for sport and recreation for the members of the three colleges, particularly the Adelaide Teachers College and now the Western Teachers College. It has made available to us a large area of valuable park lands, I think, to the mutual benefit of the council, the department and the public, because we have improved them at large expense, and where they were more or less cow paddocks they are now quite an attraction to passers-by. I share the viewpoint of the honourable member and the members of his Party, because I do not think the park lands should be alienated to the extent that large buildings are erected on them for the exclusive use of a small section of the community. The Education Department did make a request to the Adelaide City Council some time ago for permission to erect a substantial building on the Teachers College sporting ground in the north park lands. The council refused to allow it to do so, and on my advice the department began negotiations for the purchase of land adjoining the northern park lands, and it will build there if we secure the property. If we do, we will erect a suitable building. We should endeavour to obtain a suitable area, which will be freehold and owned by the department, adjacent to the western park lands and erect a proper building there. I should be pleased to take up this matter with the department, because I strongly share the views of the honourable member.

AMERICAN FOUL BROOD.

Mr. HARDING: As Chairman of the South Australian Honey Board and an executive member of the South Australian Apiarists Association, I was perturbed recently to hear that a serious outbreak of American foul brood had been reported in apiaries owned by one beekeeper in the Upper South-East of this State. I understand that under the supervision of apiary inspectors from the Agriculture Department this outbreak has been completely and

satisfactorily cleaned up. The greatest risk of spreading this disease among bees—and the disease is harmless to human beings—is by permitting bees to have access to infected material, especially honey. Recently substantial purchases of honey have been made from our apiarists by Victorian honey merchants who supply Japanese markets. A condition of the purchase of honey from producers is that the tins shall be returned, but tins are not necessarily returned to the original supplier, and they are not washed. Will the Minister of Agriculture obtain a report on the danger and risk of spreading American foul brood in apiaries, both within this State and in other States, by the practice of allowing bees access to honey in unwashed honey containers, so that apiarists may be made more aware of this danger?

The Hon. D. N. BROOKMAN: Yes.

STANDING ORDERS.

Mr. McKEE: I refer to various decisions made by you, Mr. Speaker, prior to the adjournment for the Stirling by-election campaign. Some of your rulings on Standing Orders were confusing and I am sure that if you continue to make such rulings they will cause further confusion. I am not so much concerned about the effect on members who have been here for some time, but I am concerned particularly for the new member for Stirling because I noticed him perusing the Standing Orders. I suggest that before he goes to the bother of reading Standing Orders further you should say, Sir, whether you intend to control the House in accordance with Standing Orders or whether you intend to have a new set of Standing Orders printed so that members may be able to familiarize themselves with it.

The SPEAKER: The rulings that I gave on the occasion mentioned by the honourable member have plenty of precedents—rules followed by previous Speakers from both sides of the House.

Mr. McKee: Well, they have broken the rules.

The SPEAKER: There is no confusion whatever. The Standing Orders are perfectly clear. If honourable members take the trouble to study Standing Orders and to examine previous precedents established by former Speakers, they will see that my decisions are as clear as a road illuminated by searchlights.

RAILWAY TIME TABLE.

Mr. HUTCHENS: I ask my question with the concurrence of the member for Angas (Hon. B. H. Teusner) who has done everything possible to resolve the problem about which I am concerned. On August 20 I asked the Minister of Works to refer to the Minister of Railways the altered time table applying in the Barossa Valley. The Opposition had been informed that the arrival time of trains was so unsatisfactory that the Postmaster-General's Department was making other arrangements for the delivery of mail. I understand that the member for Angas has been informed that the postal authorities have made alternative arrangements and that the railway time table is to remain unaltered. Has the Minister of Works obtained a further report on this matter?

The Hon. G. G. PEARSON: I have had no further information from my colleague, the Minister of Railways, since I promised to refer this matter to him, so I am unable to add to or detract from the information the honourable member has placed before the House. I will ask my colleague whether he is in a position to furnish a report and, if he is, I shall, as is usual, make it available to the House.

SUTHERLANDS ELECTRICITY SUPPLY.

Mr. FREEBAIRN: Has the Premier a reply to my recent question about the commencement of the Sutherlands electricity scheme?

The Hon. Sir THOMAS PLAYFORD: Mr. Colyer reports that the Electricity Trust expects to begin a detailed investigation of this extension within the next month or so for the purpose of presenting further proposals to applicants in the group. Should the proposals be acceptable it is hoped to begin work on the extension in April, 1964, subject to other extensions on which the trust is engaged being completed by that time. Mr. Colyer's report, incidentally, was dated August 1.

OCCUPATION CENTRE.

Mr. BYWATERS: The Minister of Education informed me that the Education Department intends purchasing a house at Murray Bridge for use as an occupation centre for mentally retarded children. The Murray Bridge committee is grateful for this information and is pleased with the department's prompt action. Can the Minister say when it is planned to acquire this house and can he supply any further information?

The Hon. Sir BADEN PATTINSON: Cabinet approved the purchase of a property, which consisted of a house and four acres of land, in Cypress Avenue, Murray Bridge, at a price based on the Land Board's valuation. Negotiations are now proceeding with the owner. I hope that finality will be reached soon. I am anxious for a settlement to be effected so that the necessary alterations, additions and improvements can be made to the property to make it available as a proper occupation centre by the beginning of the next school year. I am concerned that several children, who are more or less retarded, are not obtaining the full benefits of education in ordinary classrooms, no matter how good the school or schools may be. I have had practical experience of seeing the extraordinary benefits of occupation centres and the rapid improvement in the educational attainments of the boys and girls once they are under the skilled and dedicated attention of specialist teachers.

WARREN GORGE.

Mr. CASEY: About 10 miles north of Quorn is a gorge known as Warren Gorge. A number of members of both Houses have visited this area and have concluded that it is one of the prettiest spots in the State. Over the past fortnight there has been an influx of visitors to the area, and the corporation, the district council and the Country Women's Association are becoming increasingly concerned because of the lack of amenities in the gorge. I consider that it would be in the interests of all concerned in that area if suitable toilet facilities were made available and if fire places where people could have a barbecue or boil a billy were provided. Will the Premier take this matter up with the Director of the Tourist Bureau (Mr. Pollnitz) to see whether some help can be given regarding this gorge, which is situated about 10 miles north of Quorn? Tours are being conducted to Quorn by Bonds Tours; a bus load of people is arriving there every week; and the main attraction for these people is a picnic in the gorge.

The Hon. Sir THOMAS PLAYFORD: Some time ago, as the Minister in charge of the Tourist Bureau, I considered helping to provide accommodation for tourists at various places, and the Government commenced making grants covering the entire cost of the facilities to be provided. However, it found that that practice was not successful because these facilities were not attended to and they very quickly fell into a state of disrepair owing to the lack of local interest and responsibility. Therefore, the Government had to change its policy to one of subsidy. That policy has worked out extremely well, because the fact that the local people have some obligation in the matter has meant that they have been prepared to see that the improvements are not destroyed recklessly. If the local council concerned has a proposition, I assure the honourable member of most sympathetic consideration towards an application for a subsidy. If the proposed facility is outside the district council's area, I shall be prepared to make special assistance available provided I can get from the council an assurance that the maintenance and control is satisfactorily guaranteed.

FERRIES.

Mr. CURREN: In last week's *Mail* appeared an article which stated that the new Blanchetown bridge would probably be opened for traffic in February next year. Following previous questions I have asked in this House regarding the duplicating of ferries at Kingston and Berri, I have been informed that the ferries becoming available from Blanchetown will probably be placed at Berri and Kingston. I have often advocated that the approaches for these duplicated ferry crossings at these two places be proceeded with. As the bridge will be opened for traffic in only four month's time, will the Minister of Works obtain from his colleague, the Minister of Roads, a report on the action being taken to construct these new ferry approaches?

The Hon. G. G. PEARSON: Yes, I will obtain a report for the honourable member.

CHITON LIFESAVING CLUB.

Mr. McANANEY: Has the Premier a reply to the question asked by the late member for Stirling on August 22 regarding the possibility of helping the Chiton Lifesaving Club to complete its clubhouse, of which an ambulance room is an important part?

The Hon. Sir THOMAS PLAYFORD: I have a report on this matter in a docket, but I do not have it with me. I will pursue the matter and inform the honourable member tomorrow.

COPPER.

Mr. FREEBAIRN: On September 4 I asked a question of the Premier, representing the Minister of Mines, concerning copper mining at Kapunda. Has the Premier a reply?

The Hon. Sir THOMAS PLAYFORD: The Director of Mines reports that preliminary geological investigations have been made in the Kapunda district. More detailed geological, geochemical, and geophysical work will be carried out, followed by test drilling, if warranted.

GREENACRES FLOODING.

Mr. JENNINGS: Some time ago I addressed a question to the Minister of Agriculture concerning a complaint made by a constituent of mine whose property adjoins the Minister's property at Greenacres, and I have now received a reply from the Minister, which is dated October 1 and which states:

I refer to your letter of August 9, 1963, . . . sympathetic consideration has been given to the matters raised by you on behalf of Mr. Piebenga but, on the information available to me, the water under his house could be caused by the accumulation there of water from his own land. If the accumulation of water has been caused by water flowing in from the adjacent departmental land that is unfortunate and regretted—

Thank you!—

but it is entirely due to the natural levels of the land. There has been no improvement on, or alteration to, the surface of the departmental land which could cause this accumulation of water under Mr. Piebenga's house, and accordingly there is no legal liability on the department to prevent its occurrence or compensate Mr. Piebenga for any loss which might thereby have been sustained by him.

I have inspected the property concerned, and I agree with the Minister that there has been no alteration to the departmental land but, unfortunately, the topography is such that the water flows from the departmental land into Mr. Piebenga's private property. The Minister concludes by saying:

If Mr. Piebenga would advise the Department of Agriculture at the time of alleged flooding, a departmental officer would be directed to view the premises with Mr. Piebenga and make a report to me.

I think that final statement is rather fatuous. Is Mr. Piebenga supposed to ring a departmental officer in the middle of a thunderstorm? We know that rain falls on the just as well as the unjust, but it also falls at weekends. I think that he would have no hope whatever of getting in touch with the departmental officer in these circumstances. As I believe the Minister of Agriculture is sympathetic, will he have this matter referred back to the department so that it may be examined again?

The Hon. D. N. BROOKMAN: My letter was written a long time after the request was made by the honourable member because the matter had to be referred for legal advice, it being primarily a matter of legality. There is no legal liability on the department, which has not by any act caused this flooding, as the honourable member admits. I do not know how long the house has been there, but the department has not had this land for very long; it came from another department, and I do not know whether there is any history of complaint prior to this occasion. The concluding part of my letter suggested that this man inform the department of any further flooding. This was simply an effort by the department to be helpful. I did not say that the department was liable for anything, but I thought it would at least be courteous to give the gentleman an opportunity to take the matter further if the flooding was repeated. If the honourable member likes to sneer at the offer made in the letter, I shall be happy to withdraw it. In the circumstances, I think it was reasonable. If flooding occurs again, this house owner may get in touch with me or my office and I will see that someone investigates the matter. Although it is not a matter of liability on the part of the department, we want to be helpful to householders if we can; we want to get on well with our neighbours.

PERSONAL EXPLANATION: STIRLING BY-ELECTION.

Mr. FRANK WALSH: I ask leave to make a personal explanation.

Leave granted.

Mr. FRANK WALSH: Yesterday's *Hansard* report of my speech on the Budget states:

To the best of my knowledge, there are no telephone facilities in his (Mr. Stevens') locality unless the exchange is specially opened; it has no continuous service. If an attempt was made to ring him and the telephone was not answered, should he be held responsible?

I have further information from a Mr. W. C. Schrapel who says that his switchboard had not been unattended throughout the whole of Sunday, September 29, that he has a written record of attempts made by the Returning Officer for Stirling (Mr. Brideson) to telephone Mr. Stevens, and that the records show that calls were made at 9.28 a.m., 1.08 p.m. and 5.11 p.m.

The SPEAKER: Order! I think this is additional information. The honourable member asked leave to make a personal explanation.

Mr. FRANK WALSH: I am giving the information in explanation.

The SPEAKER: This does not appear to be correcting a statement, but rather giving additional information.

Mr. FRANK WALSH: I am only trying to clear the gentleman who complained.

The SPEAKER: If the honourable member will do that without supplying additional information—

Mr. FRANK WALSH: That is about all I can say at this stage, Mr. Speaker. The other time mentioned was "at about 8 p.m." This information has been received from Mr. Schrapel. If I have in any way reflected on him or on the Returning Officer, I apologize.

FRUIT FLY (COMPENSATION) BILL.

Returned from the Legislative Council without amendment.

AMUSEMENTS DUTY (FURTHER SUSPENSION) BILL.

Returned from the Legislative Council without amendment.

BRANDS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

THEVENARD TO KEVIN RAILWAY BILL.

Returned from the Legislative Council without amendment.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Mr. FRANK WALSH (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation Act, 1932-1961. Read a first time.

Mr. FRANK WALSH: I move:

That this Bill be now read a second time.

It has only one clause, which amends section 4 (2) of the principal Act by inserting the following new paragraph:

(*c*) on a journey taken by a workman between his place of residence and his place of employment (whether such journey is to or from work) provided that any injury incurred by the workman while so travelling is not incurred during or after any substantial interruption of or substantial deviation from his journey made for a purpose unconnected with his employment.

I have introduced the Bill to remedy one of the weaknesses of our legislation as compared with that of the other States in relation to what constitutes an injury in the course of a workman's employment, and I do not expect to receive much objection from members opposite, because our legislation at the moment is very restricted on this point.

With the congestion in our metropolitan area, travelling to and from work and between jobs has become more widespread in recent years and, with the proposed dense settlement from Sellick Beach to Gawler within the next 20 to 25 years, there is every indication that the need for workmen to travel to meet the requirements of their employment will increase. However, whether the bulk of workmen have to travel or not and whether they have to travel long or short distances is beside the point, because these factors are beyond the control of workmen, and, if a workman has to travel in the course of his employment, it should be the employer's responsibility to see that he is adequately covered for compensation.

We have introduced similar measures in the past, and one argument that has been used against the proposal to extend the Act to cover workmen travelling to and from work is that it is difficult to determine whether the workmen were travelling to or from work at the time of the accident; therefore, there is a proviso in this Bill that the journey must not include any substantial deviation not connected with travel to and from work.

I am not convinced that the earlier criticism was justified but, in any case, the proviso I have just mentioned should dispense with this criticism on this occasion. It is unlikely that there will be any more legal disagreements on this point than there are on other matters under the existing provision of the Act. Moreover, the provisions now proposed has worked satisfactorily in other States; South Australia, Tasmania, and Western Australia are the only States that do not provide adequate cover in their legislation.

It is feasible that persons in the employ of, say, General Motors-Holden's who have been accustomed to working in Victoria or New South Wales where compensation coverage is provided in respect of travel to and from the place of employment when transferred to South Australia are surprised to learn that the same provisions do not prevail here. We know also that the Commonwealth legislation applies to Commonwealth employees in all States, and we allow for some differences between the types of person engaged in employment. On the question of whether it is to or from work, irrespective of the distance, I believe that with the continual spread of the metropolitan area more traffic is engaged in transporting people

to and from work. Probably Elizabeth could not be excluded because of the number of people living there who travel into and beyond the city to their employment.

In this State it is recognized that we are making advances, particularly in secondary production, and that production is expected to increase. The people engaged in industry should share in prosperity without placing too much burden on industry.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL.

Mr. FRANK WALSH (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1959. Read a first time.

Mr. FRANK WALSH: I move:

That this Bill be now read a second time.

It is a very simple amendment to reduce polling hours. It amends section 101 of the principal Act by striking out "eight" in paragraphs (*c*) and (*d*) and inserting "six". In other words, it shortens the hours for polling purposes; instead of the closing time being 8 p.m. it will be 6 p.m. In the recent Stirling by-election I found that people had almost invariably completed their voting by 6 p.m. A very few electors, and we can guarantee there will always be some—

Mr. Shannon: Only dairy farmers who cannot milk their cows before 6 p.m.!

Mr. FRANK WALSH: I should be the last person to reflect on the dairy farmers in Stirling, or in any other district, but I would appreciate a commonsense approach by members of this House to the question of whether we should retain 8 p.m. closing of polling booths or alter it to 6 p.m. In the Stirling by-election I found that the electors' desire to vote early was best illustrated in the concentrated areas where dairying was carried on. I commend them for their desire to use their franchise. It is not a question of how I want them to vote, because that is their business. We are out of the horse and buggy days and have shorter hours in almost everything. At most elections the people desire an early result, and a 6 p.m. closing would be in the best interest of all voters. This amendment applies to the whole of South Australia. The Act is not amended in any other way. I am positive that 6 p.m. closing of polling booths would not cause any hardship to any elector or postal voter.

Mr. HUTCHENS secured the adjournment of the debate.

FOOD AND DRUGS REGULATION: MEAT AND MEAT PRODUCTS.

Adjourned debate on the motion of Mr. Millhouse:

That Regulation No. 15 (amending the principal Regulation No. 40) relating to meat and meat products, made under the Food and Drugs Act, 1908-1962, on April 11, 1963, and laid on the table of this House on June 12, 1963, be disallowed.

(Continued from September 4. Page 851.)

Mr. MILLHOUSE (Mitcham): I have pleasure in informing the House that a motion similar to this has been carried in another place, and therefore I move that this Order of the Day be read and discharged.

Order of the Day read and discharged.

EXCESSIVE RENTS ACT AMENDMENT BILL.

Mr. DUNSTAN (Norwood): I move:

That I have leave to introduce a Bill for an Act to amend the Excessive Rents Act, 1962.

The SPEAKER: This motion is in the name of the Leader of the Opposition. The member for Norwood seeks to move it. He can do so only by leave of the House.

Mr. DUNSTAN: I ask leave, Mr. Speaker.

Leave granted.

Mr. DUNSTAN introduced a Bill for an Act to amend the Excessive Rents Act, 1962. Read a first time.

Mr. DUNSTAN: I move:

That this Bill be now read a second time.

Clause 3 amends the definition section of the principal Act wherein is contained a definition of letting agreements on dwellinghouses as follows:

"letting agreement" means every agreement for the letting or subletting of any premises for any period whether the agreement is made orally, in writing, or by deed, and includes an agreement for the letting or subletting of any premises together with the use of furniture or other goods and also includes an agreement for the letting or subletting of any premises together with the supply or provision of any domestic service but does not include any agreement in writing and signed by the parties for the letting or subletting for a period of one year or more of any premises whether with or without the use of furniture goods or services (not being any such agreement made at any time after the commencement of this Act after the giving to the tenant of a notice to terminate an existing tenancy or in consequence of a threat by the landlord to give a notice to terminate an existing tenancy).

It will be noticed that there is excepted from the provisions of the Act any agreement in writing for a period of a year or more for

the letting of a dwellinghouse except in certain exceptional circumstances where duress is used by the landlord to obtain the lease. Experience since this Act has come into force has shown that it is difficult to prove duress, and, what is more, pressure can be brought to bear upon a tenant to sign an agreement for a period of years committing him to a considerable rental. That pressure is not within the exceptions which come within the provision. Consequently, the Labor Party believes that there is no reason why all rentals should not be subject to a review by the court if landlords are charging excessive rentals for premises, and that all tenancies in South Australia should be subject to review by the court. After all, in every case the onus would be upon the tenant to show that the rental which is charged is excessive for the premises for which he has contracted. If it is excessive, there is no reason why the court should not intervene, and there is no excuse that a landlord has obtained an agreement in writing. If a rental is excessive, it is excessive whether it is for a term of years or for a limited period; indeed, the hardship may be all the greater to the tenant if he has signed an agreement for a period of years, for he is committed to an excessive rent in those circstances for a longer period, and he cannot break the lease. In these circumstances we believe that there is no reason why the court should not review all rents in South Australia, if the tenant can make out a case that the rental is excessive.

Clause 4 provides that the court, on hearing an application for an order that rental is excessive, will not be able to order costs. This is one of the things which at present deters tenants from making applications to the court. It is not merely that they experience difficulty in meeting the costs of presenting their cases, but they are naturally fearful that the court may make orders against them—may dismiss their applications and order the landlords' costs to be paid by them. In many instances this can amount to a large sum, and where pensioners are involved this is a considerable deterrent to their bringing a case before the court, especially as so far the court has not laid down a test as to how it will determine whether a rent is excessive or not.

I know of many instances where increases in rentals have been gross, yet nevertheless the pensioners who have had their rentals increased from as little as 30s. a week to £5 a week have been unable to do anything. The premises have been utterly inadequate and on the verge of being declared under the Housing Improvement Act. The landlord has spent nothing on the premises for 20 years. He has been getting 30s. a week and he has increased the rental to £5 saying that when he gets the £5 rental he will make some improvements. If he does, the rental will increase again. However, the pensioners are not bringing applications to the court in those circumstances because they are frightened that if they do take a case to the court the court might dismiss their application and then they would be up for £30 or more in costs to the other side, apart from their own costs, and they do not have the money to pay. Therefore, they accept with sorrow and with considerable hardship the very great increases in rents which have been made.

Under the Landlord and Tenant (Control of Rents) Act the court did not award costs on applications before the court, and in these circumstances I think this would be a sensible provision to make here also. There is a further difficulty in the way of tenants bringing applications to a court, and that is coped with in clause 5. In order to make out a case a tenant has to get a valuation that he can put before a court. He therefore has to get an adequate valuation from a licensed and experienced valuer. This in itself can prove a costly process. He certainly has to pay for the valuation itself, but he must guarantee, before the valuer is prepared to come to court, the witness expenses of the valuer, and these are not the witness expenses set forth in the court schedule but such compensation as the valuer thinks will be sufficient to pay him for the time he puts in in the court itself. This again means that a tenant, particularly a pensioner has to find a substantial sum for the valuer before he gets into court. Many tenants just cannot do it.

Clause 5 provides that upon lodging an application pursuant to section 6 of the Act the Clerk of the Local Court shall obtain from an officer of the Land Board or of the Prices Commissioner who is a licensed valuer a report in respect of the subject premises on the matters referred to in paragraphs (*a*) to (*h*) of section 8 of the Act. These are the things the court has to take into account in deciding whether the rent of the premises is excessive. The clause goes on to say that the clerk shall place that report on the file and send copies to the landlord and to the tenant, and that either party to the application may call the officer making the report to give evidence of

the matters contained in it. This would mean that the costs of getting an independent valuation, which either party may then use, is the court's cost, and not a cost to the tenant or the landlord; it will be assistance given by the State in determining the value of the premises in accordance with the provisions of the Act, and it will mean that tenants are not faced with the very considerable cost of obtaining an adequate valuation.

Clause 6 provides for something which was omitted from the principal Act and which has caused great hardship in many cases since. Under the Landlord and Tenant (Control of Rents) Act a landlord could not interfere with the quiet use and enjoyment by his tenant of the premises until he obtained a court order, either for the repair or the possession of the premises. That provision was repealed when the Landlord and Tenant (Control of Rents) Act lapsed. The new Excessive Rents Act made no provision for non-interference by a landlord, and what has been happening since that date is that in many cases the landlords create an infernal nuisance to the tenants. They shut off the water, turn off the electricity, cut off the gas, take out windows, pull down fences, and remove walls, and the tenants are forced to put up with this procedure. Attempts which have been made to obtain injunctions on the part of the tenants against the landlords to prevent them from doing this sort of thing have failed. The Judge of the Local Court has said that he is not prepared to grant such injunctions because the landlord might give a valid notice to quit and in consequence the injunction could prove useless within a limited period of time; and the principle of the courts is against granting injunctions where they could prove useless within a short period. Therefore, the courts will not grant injunctions to prevent landlords from doing this sort of thing, and the original Statutes of forcible entry are, in effect, being got around by what might be called the "Rachman" technique.

In England recently this particularly unsavoury individual, who happily seems to have disappeared from the public scene, carried on a great racket. He would buy up small premises and proceed to worry the tenants out by removing the services from them and carrying on with all sorts of noise and physical nuisances. This Parliament saw fit to prohibit that sort of thing under the previous legislation but omitted to do so at the time the Excessive Rents Act was passed. Unfortunately, some unscrupulous landlords—and I am sorry to say there are a few in my district—have carried on with this "Rachman" technique since. Clause 6 re-enacts the original provisions of the Landlord and Tenant (Control of Rents) Act, which coped with this situation, by writing in a new section 16a to the Excessive Rents Act to provide:

> Any person who without the consent of the tenant of a dwellinghouse or without reasonable cause (proof whereof shall lie on the defendant) does, or causes to be done, any act, or omits, or causes to be omitted any act whereby the ordinary use or quiet enjoyment by the tenant of the premises or of any furniture or other goods leased therewith, or of any conveniences usually available to the tenant, or of any service supplied to or provided in connection with the premises is interfered with or restricted, shall be guilty on an offence and liable to a penalty not exceeding £100.

The penalty here provided is larger than the original penalty, which was provided a good many years ago; there has been an alteration in the value of money since, and this brings it up to date. Obviously, the penalty must be a reasonably large one because in fact the monetary advantage to a landlord of getting control of premises by these unpleasant and unsavoury means can be considerable, and there must be in the hands of the court effective deterrents.

The other subsections of this new section simply enact the machinery provisions so that the court may make an order and enforce compliance. They also define the kind of inconveniences covered in the section. The Bill will cope with proven anomalies that have arisen since this Act came into force. They are necessary in order to make the legislation work; it is not working at the moment. The only way we can make it work is to make the changes provided by this Bill.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 4. Page 851.)

Mr. LAUCKE (Barossa): This is essentially a Committee Bill. It is rendered so because it contains distinctive clauses, some of which are desirable and others, I consider, unnecessary or not so desirable. It follows then that each clause must be considered on its merits, and with this in mind I do not intend to speak at length at this stage but will watch the clauses as they are discussed in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 24."

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): This clause makes a substantial alteration to the existing law, and I ask the Committee not to accept it. Section 24, which this clause amends, provides:

(1) In any case in which relief has been afforded to any person and such person, or the father, grandfather, mother, grandmother, husband, wife, child, children, or grandchildren of such person is at any time within six years thereafter able to repay the amount or cost of such relief or part thereof, a court of summary jurisdiction may, upon the complaint of an officer of the board, inquire into the matter in a summary way.

(2) If the court is of opinion that such person, or the father, or other near relative as aforesaid is able to repay the whole or part of the amount or cost of such relief, it may order such person or father, or other near relative as aforesaid, to pay to the board such sum of money either in one sum or by instalments as in its judgment such person, father, or other relative as aforesaid can reasonably afford and ought to contribute towards the past relief of such person.

The Leader's amendment provides that the court shall make this order only as a special circumstance, so that the father whose children have been provided with relief by the department cannot be called upon to make any repayment to the Government, no matter what his means are, unless it can be proved that there are special circumstances. What the court will accept as special circumstances obviously will not be a matter of whether he can afford to do this, because the legislation provides that the court has to establish that he can afford to do it. I believe it would be virtually impossible to establish special circumstances, which I think would be something out of the ordinary, so I think the clause goes far too far and that it could have a result on the administration detrimental to the interests of the persons concerned. Instead of checking to the last farthing before relief is granted, the board often grants relief hurriedly.

This section has never resulted in hardship and I suggest that the Leader should not press his amendment. I am prepared to accept several clauses in this Bill but, as I pointed out during the second reading debate, some clauses go too far, and, if the Bill is loaded with them, I fear that this may have some effect on its ultimate chance of acceptance. This clause is not relevant to the real purpose of the Bill, which is to make relief more adequate for people requiring it; it is a supplementary clause that goes too far.

I do not know what "special circumstances" would be, and I think it would probably take one or two cases before we would get a clear indication of what the court would regard as "special circumstances". Obviously, the courts will not regard as special circumstances the mere fact that a person can make some payment, because that has already been expressly ruled out; unless the person can afford it, the court cannot make an order. There is a lack of systematic approach in this Bill, as another clause has a provision for an attachment of wages, yet here we have the opposite effect—making it easy for people not to pay. I ask the Committee not to accept the clause.

Mr. FRANK WALSH (Leader of the Opposition): First, the Premier asks members to consider another clause providing that the father shall be responsible for the maintenance of a child. I go all the way with that, but that should not be mixed up with this provision. Relief is given only to people suffering hardship; at one time, a person had to be destitute to obtain relief. Surely we do not want to go back to that position, yet one has to be almost destitute to obtain relief now. I do not want to go into the matter of special circumstances, but relief is granted only after an exhaustive inquiry. If a person requiring relief makes a false declaration, the department has a remedy. Relief is granted only in certain circumstances, and we do not want to have to ask some distant relatives to repay relief.

The Hon. Sir THOMAS PLAYFORD: It has been pointed out by the Children's Welfare and Public Relief Department that there is no merit in the clause. The relief granted today is granted under section 22, which empowers the board to afford relief to such destitute persons as appear in need. Mr. Cook (Chairman of the board) has pointed out that Division 3 limits the relief to 15s. a week, while section 22, which can be used for children as well as for anyone else, contains no such limitation. There is no point in any amendment made by clauses 4, 5 and 6. I must contradict the Leader on one matter. Frequently people tell me that a family is in destitute circumstances or that one of the parents has deserted the family. When this information is passed to the department it does not inquire whether payments can be afforded. It grants the relief immediately because it has to be granted, and it does not then have the chance to examine the circumstances fully. I strongly suggest to

honourable members opposite that at present there is no hardship, and there has been no hardship. A court order is required and the order is made only if the court is satisfied that the persons concerned should pay and can afford to pay. What are the special circumstances referred to in the clause I do not know, but it would mean that there would be a recoup to the Government under special circumstances, which makes it different from all other cases. This clause should not be passed and I ask the Committee not to accept it.

Mr. LAWN: I contradict the Premier; although I do not say that on this occasion he is deliberately misleading the House, as I believe he may have been misled by the department. On numerous occasions it has been shown by replies to questions and in debate that the Premier does not know how this department functions.

Mr. Ryan: That is apparent.

Mr. LAWN: The board does not act in accordance with section 22. Often a constituent of mine, through unemployment, has obtained relief. When the husband returned to work he immediately received a demand from the department to repay the money the department paid in relief. In such cases the person should not have to repay that money unless, first of all, the court finds that he is able to pay. That is not sufficient: the court should say that repayment is desirable. One man who had a few weeks out of work (or even nine months) returned to work, and two or three weeks later received a demand from the Children's Welfare and Public Relief Department to repay the relief. He had nothing. His savings, if any, were absorbed during the period of his unemployment. The assistance given by the department was not sufficient to keep his family while he was unemployed, although social services may have helped. The family had some accumulated debts. When he received his full weekly wage many things had to be paid before the debts were paid, and in the process of this he received the demand from the department. The Act allows the magistrate to consider the man's income but the court does not have to consider the man's accumulated debts: it is concerned with his income and whether he can repay. The amendment goes further than that: it suggests that special circumstances should be considered. If these words are added the magistrate may well consider that the man can repay, but that it is undesirable that he be forced to do so because such repayment would lower the family's standard of living. The court should have to say, first, the sum the man can repay and, secondly, that it is desirable, because otherwise it could be that the court's decision would lower the standard of living to where it was when the family was receiving social services and relief from the Welfare Department.

On one occasion a man came to see me seeking help. He had remarried shortly before becoming unemployed. He did not know until some time after his marriage—and during his period of unemployment—that his wife had several debts incurred by her first husband. Even the undertaker had not been paid for the burial of the first husband. He inherited £200 worth of debts by marrying this woman, and, although he was unemployed for months, when he returned to work the department sued him for recovery of the assistance rendered while he was unemployed. If he had gone to court the magistrate, under this amendment, would have been able to take into account the other debts and to rule that it was not desirable for him to repay the assistance.

Another man was sent to gaol and the family was assisted by the Welfare Department during his incarceration. The Premier said that when this man was released from gaol he paid a substantial sum for a motor car and that the department was justified in claiming repayment of the assistance rendered to the family while he was in gaol. On those facts, without knowing more I would agree that the department was well justified. The court would find that the person could pay and that it was desirable that he should pay. I do not think the Premier has anything to fear if this clause is passed.

Mr. DUNSTAN: I believe that this clause is essential to the Bill. We believe public relief should not, except in exceptional circumstances, be treated as a repayable loan. Basically, public relief should be treated as a grant made by the community to people in necessitous circumstances, and the only cases where repayment should be made are those where special circumstances can be shown which would justify the community in saying, "You are in affluent circumstances now" or "You have taken us for a ride" or "You have been unfair to the community" and "You ought to repay". However, what is the present position? The basis upon which the court makes orders for the repayment of relief is, in fact, the same basis on which it makes orders on unsatisfied judgments. It

says, "This is a debt to the community. You have so much money and you can reasonably repay it. We think that you can pay £1 a week out of your wages. Even though you have debts elsewhere, the State comes first, and we will make an order that you repay the relief." That is what happens. It ought not to be an automatic case that the community demands from a man the repayment of what the community granted to him in his time of necessity.

Mr. Clark: What about his relations?

Mr. DUNSTAN: Of course, they may have had no real communication with or direct responsibility for the family concerned. They may have been distant or cut off from the family for years, but because they have an income—although they have commitments—they will be required to repay to the State some relief afforded to relatives in necessitous circumstances.

Mr. Clark: They possibly had no knowledge of the circumstances.

Mr. DUNSTAN: Exactly. I do not think this is how we should administer public relief. The Premier says it will be difficult to get cases through the court if special circumstances have to be shown. I believe that only exceptional cases should be taken to court for the repayment of relief given to people in necessitous circumstances. In these cases the special circumstances can be readily shown. If a man has had money salted away or he comes into a large sum, the community can then say, "You should now discharge your obligation to society for past relief." However, if a man is simply returning to a normal income for a family we should not say, "We gave you help before, but it had strings attached to it, and you must now pay it back, even though this may mean that you may be on short rations for a time and may not be able to meet the debts your family contracted during your period of necessity."

When I originally raised the question of repayment of public relief during a Budget debate some years ago, the Premier expressed surprise that relief was being recovered. He said that he did not know about it and that he would inquire. It is not the position in western countries to recover relief granted in cases of hardship. It is only in exceptional cases that it is done. It would seem strange that a community should see fit to grant assistance to poor people and then seek the repayment of it when the man returned to normal circumstances.

The Premier said that this clause would make it unnecessary for a man to pay for the maintenance of his children, but that is not true. It does not mean that payment of back maintenance does not have to be met by a father. It does not affect maintenance orders. Maintenance orders can still be made against a father retrospectively to the time when he defaulted in his maintenance payments. The court will still have power to make such an order. As the Act stands the board is able to deduct moneys from payment of back maintenance. A later amendment provides that the board shall not deduct moneys in its hands without a court order. This will enable the court to be sure that deductions from maintenance moneys for the repayment of public relief are justified and can be made without hardship. I believe that this, too, is a proper provision.

The amendment we are now discussing will not affect the obligation of a father to pay for the back maintenance of his children. Such an order can still be made by the court. The amendment simply goes to the question of court orders for the repayment of public relief granted to people in necessitous circumstances. I believe that we should alter the principle upon which these relief payments are made now. Relief should be not a loan but a gift, and we should take action for recovery of relief only when special circumstances justify the community's requiring it. In an ordinary case, however, I do not think we have any justification for demanding back what is in fact a gift or community charity.

The Hon. Sir THOMAS PLAYFORD: Members opposite have not accepted the argument I put forward because they have not clearly seen the point I am trying to make. I agree that it is not necessary or desirable for the Crown to start chasing up, under circumstances that would involve hardship, moneys that might be properly repayable for some relief granted. Members will see from the Auditor-General's report that the sums recovered are not very great. I consider that the words "special circumstances" take the matter too far, for I believe it will be almost impossible for the court to order repayment if those words remain. The Act provides that the court must be satisfied that the person can afford to pay and that he ought to pay, but the Bill provides that no repayment shall be made unless "special circumstances" exist. What are special circumstances? The member for Adelaide, if I understood his argument correctly, said that people who had been out of

work and who had had some relief granted to them had been asked by the department to make a repayment when they resumed work, and that they could not afford to make that repayment. The honourable member has said that it would be a hardship to these people to make that payment, but he will see that under the principal Act the court cannot order a repayment if hardship is involved. I believe that if we retained the word "special" no-one would pay. I do not like the word, because it takes the matter too far; if it were deleted I would take a chance on what the effect would be. I think it would be easier for the court to interpret the provision if that word were omitted.

Mr. FRANK WALSH: I accept the Premier's suggestion and move:

After "such" to delete "special".

Amendment carried; clause as amended passed.

Clause 4—"Amendment of principal Act, section 34."

Mr. DUNSTAN: The Premier earlier said that Division III of Part II was not a division under which the board at present tended to grant relief; he said the board did it under Division II. Under Division II of Part II there is no limit on the age of children, so we are not particularly concerned with that part. In fact a limit is made at present on the age to which the department grants relief, and I want to be certain that the opinion of the Legislature is expressed clearly that relief may be granted up to a higher age than that to which it is now granted. This amendment would certainly serve that purpose, and therefore I think it has merit.

Clause passed.

Clause 5—"Enactment of principal Act, sections 35a and 35b."

The Hon. Sir THOMAS PLAYFORD: I am prepared to accept one part of the clause but not the other part. Proposed new section 35a gives power to a court to over-ride the decision of the Minister. I could not under any circumstances accept that part of the clause because it is establishing the department's function on an entirely different basis. The Minister could not operate in those circumstances. However, I am happy to accept new section 35b.

Mr. FRANK WALSH: On the firm understanding that new section 35b is accepted, I move:

To strike out new section 35a.

Amendment carried.

The CHAIRMAN: I will alter this clause consequential upon the deletion of new section 35a. The words "sections are" in the first line of the clause will be struck out and the words "section is" will be inserted, and "35b" will become "35a".

Clause as amended passed.

Clause 6—"No deductions without order of Court."

Mr. FRANK WALSH moved:

In new section 38 to strike out "Division" and insert "Part".

Amendment carried; clause as amended passed.

Clause 7—"Provision for blood tests."

The Hon. Sir THOMAS PLAYFORD: Although there is no difference of opinion on this matter between members on this side of the House and members of the Opposition, the Chairman of the Children's Welfare and Public Relief Board has reported to the Government that this provision is impracticable, especially in the country, and that it has been rejected by interstate conferences that have considered the matter. However, this new section provides that this matter will operate by proclamation. If the Leader will understand that the Government's acceptance of the new section means that it will operate not automatically but only when it becomes practicable, I see no objection to it.

Mr. DUNSTAN: I move:

After "defendant" in new section 61a (4) (*d*) to insert "in the event of his conviction." The Law Society's Law Reform Committee has suggested that it is unfair to make the defendant pay these costs in any event.

Mr. Shannon: He may be innocent.

Mr. DUNSTAN: Yes, and if he is he should not have to pay. I think the objection is fair enough, and I ask the Committee to accept the amendment.

Mr. SHANNON: Blood tests should not be accepted as final and conclusive proof of parentage. Conversely, what cannot be proved is difficult to disprove by similar means. I favour the amendment, but I am concerned about whether the new section should be accepted at this stage. The Premier suggested that it would not apply until it was certain that no injustice would be caused. It seems that we are legislating in advance.

Mr. DUNSTAN: The purpose of this clause is simply to enable defendants in affiliation cases to disprove paternity where it is possible by a blood test to disprove it. It is not possible by blood test to prove paternity. All one

can show on a test is whether the blood grouping of the alleged parent is consistent or inconsistent with his being the parent of the child. It can show that he may be the parent of the child (and so may hundreds of others), but it can, in certain circumstances, show that he cannot be the parent. That is the whole purpose of the section. In the Charlie Chaplin case a blood test showed conclusively that Chaplin's blood grouping was inconsistent with that of the child of which he was alleged to be the parent. Under American law blood tests were not admissible in evidence and he was convicted. Some people find it a serious penalty to maintain the child until it is 16 years of age. I have known cases where the defendant has claimed a blood test and protested his innocence, but has been convicted because the woman in the case did not have a blood test.

Mr. Clark: There is more to it than the financial side.

Mr. DUNSTAN: Yes, the question of guilt or innocence. Considerable stigma and unpleasantness attach to this sort of case. The blood test does not harm. I am interested to find that blood tests have been rejected by the interstate conference. Blood tests are provided for in New South Wales (with a more extensive provision giving wider rights to blood tests than this provision) and in Victoria. I hope the clause will be accepted.

Amendment carried; clause as amended passed.

Clause 8—"Attachment of earnings."

The Hon. Sir THOMAS PLAYFORD: One problem arises in this clause because it makes an employer responsible for deducting and paying over the sum that may be due under a maintenance order. I am anxious that the payment should be made in accordance with the order, but I am not sure what right we have to attach a responsibility to some innocent third party, under a court order, to do something in which he is not in any way interested. He has no responsibility in this matter, and we should consider such legislation carefully.

Mr. Hall: It could lead to an employee's dismissal.

The Hon. Sir THOMAS PLAYFORD: Yes. The employer may say that he is not going to send cheques every week.

Mr. Lawn: That could only happen if the employee refused to pay the maintenance.

The Hon. Sir THOMAS PLAYFORD: It does not say that. It says that the court may make an order on the employer to pay the money and the employer shall pay the money out of the employee's earnings. We can legally do it by legislation, but I doubt whether it is good policy because it is putting an obligation on someone who is not involved in the matter. Incidentally, it is provided that the order shall be served on the employer. I realize that that is necessary, otherwise he could transgress against an order without having knowledge of it. I have grave doubts about this provision. If we accept it, could it be accepted as a precedent for other claims on a wage-earner?

Mr. Hutchens: No.

The Hon. Sir THOMAS PLAYFORD: I doubt whether this is a case where an exception should be made. I do not want to help any person to avoid paying under a maintenance order, but surely there are proper methods of enforcing such an order without enforcing it through an employer. I think that is wrong in principle.

Mr. FRANK WALSH: Frequently men who have maintenance orders made against them agree to such orders, and they pay the ordered amounts as they fall due. These people cause no worry, but we are concerned with the man who seeks to avoid his obligations. Nowadays there are many young parents—parents much younger than is desirable. A man may be under 21 years of age when an order is made against him for the payment of maintenance for his child. He may subsequently marry a woman other than the mother of his child. His earnings may be only £10 a week. He thinks he cannot afford to pay the maintenance order, and seeks to avoid it by moving to another State. Admittedly the Welfare Department tries to enforce the order, but it is seriously handicapped. I agree that it would be desirable if persons agreed to having money deducted from their wages for maintenance orders, but they will not publicly acknowledge that they have court orders against them.

Surely we can agree that there is merit in this proposal. I remind the Premier that employers make taxation deductions from employees' wages for the Commonwealth Government. I think that if the regulation-making power is properly used, all objections can be overcome. All members hear many tales of hardship, although possibly the member for Burnside, because of her sex, hears more than most. It is a hardship for a woman to come to a man to ask for assistance when her husband is at fault. We are trying to ease the burden and to make it more difficult for a defaulting husband to avoid his obligations.

Mr. DUNSTAN: I am sorry that the Premier seems to have had second thoughts on this matter. During his second reading speech he quoted from reports from the Chairman of the Welfare Board and the Parliamentary Draftsman. He said that there was much merit in the suggestion concerning attachment of earnings orders. The Chairman of the board and the Parliamentary Draftsman pointed out that such a provision is proposed for inclusion in the draft uniform Maintenance Bill agreed to between the States. The principle of attachment of earnings in the hands of employers has already been accepted at a conference of State authorities. I remind the Premier that during his second reading speech he said:

Clauses 8 and 9 provide for the attachment of earnings. This principle is under discussion with the other States and while our Chairman is not opposed to it he considers it to be premature to an Act pending further consideration and similar action in other States. I do not see any objection to this particular provision; I see some merit in it. However, a Bill is being prepared which it is hoped will be accepted on an interstate basis. Many advantages accrue from having maintenance legislation that has uniform provisions.

Later he said:

Attachment of earnings in maintenance cases would be advantageous, but as this matter is being included in the draft uniform Maintenance Bill it is suggested that an amendment to the Maintenance Act at this stage would be premature.

He then went on:

Members will gather from my remarks that I cannot support some portions of the Bill. Attachment orders are in a different category. Although we may say complacently that this matter is being considered by an interstate authority, and may be included in uniform legislation later, it is not the answer I would accept if I were the Leader of the Opposition and had introduced the Bill, for it may or may not happen.

Regarding the question whether employers ought to be required to comply with orders under this section, I point out that this question was debated at some length in the provision of the uniform Matrimonial Causes Act, and this section is modelled on the sections of that Act. It is extraordinary that a wife may go to our court and get a divorce order and a maintenance order and ancillary relief and thereupon may get an attachment of earnings order on an employer from the Supreme Court if the defendant is not being regular in his maintenance payments, but if she does not get a divorce and goes to the Maintenance Court simply to obtain a maintenance order against her husband in the hope that later there may be some reconciliation, she cannot get an attachment of earnings order if he is behind in the payment of maintenance. In fact, many husbands are dilatory about paying maintenance orders; they have to be brought to the court time and time again and have suspended warrants threatened and the like in order that regular payments will be made. There is hardly a social worker in this State who has not complained that a wife may get a maintenance order after considerable trouble and then the husband pays for a week or two and then knocks off for a fortnight or more and the wife gets nothing until he suddenly decides to pay maintenance again. The husband pays irregularly in those circumstances. The proper thing is to see that he is made to pay regularly, and the only way we can enforce that is to attach his earnings.

We on this side of the House normally are opposed to the issue of garnishee orders against wages or salaries. Garnishee orders may be made in any other circumstances upon court order in South Australia where moneys owed by some person liable under a court order are in the hands of a third person, and no objection is taken by the Government to that. We are going to an innocent third party and saying, "You have money belonging to the defendant in this case, and you will pay it under a court order." The only things that cannot be garnisheed are wages and salaries. About the only way of enforcing a maintenance order in many circumstances and ensuring regular payments for the wife and children is to attach the earnings. I have certainly seen many pleas from people within the department that they be given the power to do this. From social workers it is a regular cry that the only way in which wives can be protected is to get this attachment of earnings order. It is many years, Mr. Chairman, since I first raised the plea in this House that we do this, and I am pleased to see that the provision has been included in the Commonwealth Matrimonial Causes Act. I therefore hope the Committee will accept the proposal.

The Hon. Sir THOMAS PLAYFORD: The position is not quite as the honourable member would have us believe. As far as I know, the other States have not brought this provision into operation. Certainly, uniform provisions regarding maintenance orders are not in force, or we would not be considering this Bill. We are imposing upon the employer the obligation to deduct money from wages and pay it to the department, probably on a weekly basis,

and under the present banking arrangements that certainly involves the employer in considerable expense. Supposing I had a maintenance order against me and I was working for the Leader of the Opposition; he would be required to deduct a certain sum each week from my wages. Instead of working for the Leader and having that amount deducted from my wages I would leave that employment and go elsewhere. I doubt whether the order would be effective with a new employer.

Mr. Shannon: It cannot be; he has had no notice.

The Hon. Sir THOMAS PLAYFORD: Exactly. The effect of this legislation will not be to compel payment, for the person concerned will immediately change his place of employment.

Mr. Dunstan: Then you serve the order on the new employer.

Mr. Shannon: The courts would be chasing up new employers all the time.

The Hon. Sir THOMAS PLAYFORD: It would be necessary to take further action and get another order against another employer. I have every sympathy for the people involved in this matter, and I shall be happy to consult with the department about the means of strengthening our position in collecting maintenance payments, but I do not believe the easiest or the correct way is that suggested in this provision; I doubt whether it would be very effective. I should like a little time to examine the most effective way of achieving this aim.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.19 p.m. the House adjourned until Thursday, October 3, at 2 p.m.