HOUSE OF ASSEMBLY

Tuesday, November 2, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

HIDE, SKIN AND WOOL DEALERS ACT AMENDMENT BILL.

The Governor's Deputy, by message, intimated his assent to the Bill.

QUESTIONS

LOTTERIES REFERENDUM.

The Hon. Sir THOMAS PLAYFORD: Can the Premier say whether any official report is as yet available for the guidance of the public regarding the rather debatable clause (that dealing with the compulsory vote) that was included in the Referendum (State Lotteries) Bill as a result of a conference between both Houses? Has the Returning Officer given a ruling on the correct interpretation of the clause?

The Hon. FRANK WALSH: Although I did not take much interest in it, I read in last night's newspaper comment by both the Returning Officer (Judge Gillespie) and the Assistant Returning Officer (Mr. Douglass). My colleague, the Attorney-General, who is responsible for this department, has not been informed of anything further on the matter.

The Hon. Sir Thomas Playford: There was a report in the *Advertiser* on Saturday to the effect that it was not a compulsory vote.

The Hon. FRANK WALSH: I do not know the authority for the report in either newspaper. I do not recall seeing the report in the *Advertiser*, but the report I saw in the *News* last night appeared to me to be a reasonable approach to the matter. That is all I can say on the subject.

INSURANCE COMPANIES.

Mr. LAWN: Some time ago one or two insurance companies in South Australia went out of business. The Premier at the time (Hon. Sir Thomas Playford) on at least one occasion told several members, including me, that the tariff companies would assist in the event of one tariff company suffering heavy losses, but that a non-tariff company would not be supported by other such companies. This morning I was contacted by a person who has just recently received his insurance renewal notice. He told me that on the same day another insurance company, the Vehicle and General Insurance Company Limited (Australasia), whose address is care of Insurance Brokers of Australia Proprietary Limited, 112 King William Street, Adelaide, contacted him and quoted him £21, whereas his premium with his present company is £34. Will the Premier ascertain whether or not the company I have referred to is one of the tariff companies? Will he also ascertain for the benefit of this House the *bona fides* of this company? We do not want people insuring cars and then finding that the company goes bankrupt, causing the individual himself to suffer financial loss because other insurance companies will not honour the agreement.

The Hon. FRANK WALSH: I will obtain a report for the honourable member as soon as possible.

NORTHERN RAILWAY STATION.

Mr. JENNINGS: I have recently been asked by representatives of numerous factories and businesses in the northern part of my district to approach the Minister of Transport regarding the possibility of having a railway station established on the main north line somewhere just north of Grand Junction Road. This area now has a very heavy concentration of factories, and as most of their employees come from Salisbury and Elizabeth these people are finding difficulty in getting to their places of employment because the existing railway stations do not suit them. Will the Premier take this matter up with the Minister of Transport?

The Hon. FRANK WALSH: Yes, I shall be pleased to ask my colleague for a report.

YEELANNA-KYANCUTTA ROAD.

Mr. BOCKELBERG: Last week I asked the Minister of Education, representing the Minister of Roads, a question regarding the sealing of the road between Yeelanna and Lock and between Lock and Kyancutta. Has the Minister a reply?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that it is intended to commence sealing between Yeelanna and Lock during November of this year and to complete the whole length during the forthcoming summer. Earthworks and base work are currently in hand between Lock and Kyancutta. Sealing of this length is scheduled for the summer of 1966-67.

OBSERVATORY SITE.

Mr. CASEY: Has the Premier a reply to my recent question about the access road to the observatory site in the Far North?

The Hon. FRANK WALSH: A report from the Director and Engineer-in-Chief of the Engineering and Water Supply Department states:

Considerable assistance was given by the Government to enable the test observatory to be established at Mount Serle. An access track as far as practicable up the mountain was constructed, with a pathway leading to the summit. Assistance was also given by the prefabrication and erection at the site of a hut for the observers, and also several small items of plant have been made available on loan. Since the observers took occupation of the site there have been no further requests for assistance, and as far as it is known the track is in reasonable condition. I will arrange for our road superintendent to make an inspection next time he is in this area, and then make a further report on the condition of the track.

SOLDIER SETTLERS.

The Hon. T. C. STOTT: Some time ago I introduced a deputation from the Loxton War Service Settlers Association to the Minister of Agriculture. Soldier settler problems are not new to the Minister, as these questions have been raised by deputations to the previous Minister. These problems are in respect of difficulties that Loxton soldier settlers and others have regarding water tables, bad stock, wrong sprays, manurial and nitrogenous fertilizers, and so on. At this last deputation the Minister said that he was discussing these matters with officers of the department. I understand that these officers were asked for a report by the previous Minister (and probably by the present one) so that a case could be presented to the Commonwealth Government as it is financially involved in this matter. It is obviously beyond the State's finances to rehabilitate these settlers (if they have to be rehabilitated), and we have been waiting a considerable time for this report. I am reliably informed that this matter has not yet reached the Minister for Primary Industry in Canberra, who is so vitally concerned with these problems. Has the Minister of Agriculture received the report from his departmental officers and, if he has, what does he intend to do with it?

The Hon. G. A. BYWATERS: I cannot assist the honourable member about this report, but efforts have been made in this and the Cooltong areas. A leaf analysis expert has been appointed at Loxton, considerably improved drainage work is being carried out, and much progress has been made recently in other ways. At this stage, I understand a request has been made from Loxton and Cooltong settlers for a Royal Commission on this subject. I have not been officially informed of this, my information being what I have read in the press. However, as I understand that the settlers intend to do something on this line I should not like to comment further.

Mr. NANKIVELL: Recently I asked the Minister of Repatriation a question following one asked by the member for Ridley, regarding the provision of living allowances for soldier settlers, and I made certain suggestions to the Minister for his consideration. Has he a reply?

The Hon. G. A. BYWATERS: As indicated in *Hansard* of October 13, 1965, the department intends to look into the question of grading the living allowance according to the number of dependants. Under the Rural Advances Guarantee Act, outgoings, which include estimated working expenses, being expenses of £800 for husband and wife, together with £100 for each child and payments required to meet mortgage commitments, are compared with the anticipated returns from the property to assess whether the property is an economic proposition. In the case of war service settlers, £800 plus other expenses is allowed in assessing the payment which the settler can be expected to make to the department. In some instances £800 living expenses is advanced to a war service settler even though the returns from the holding are not expected to be sufficient to make any payments to the department. In other words, living expenses of £800 are guaranteed to the settler in a budget arrangement. Whilst the department will look closely into the question of living allowances to determine their adequacy or otherwise, it is appropriate to point out that, in addition to £800 per annum for food, clothing, household necessities and on other expense of a purely domestic nature, under a budget arrangement, a war service settler may, and usually does, receive advances for:

(1) Life assurance—at least £75.
(2) Up to 26 ration sheep.
(3) Insurance and registration of car, driver's licence, etc., £80-£100.
(4) Telephone expenses up to £30.
(5) District council rates.
(6) Land tax.
(7) Income tax.
(8) Medical expenses.

Therefore, it will be seen that the allowance is really much higher than £800.

MARISTOWE HOSPITAL.

Mrs. BYRNE: At Freeling the Maristowe Private Hospital, an approved nursing home for the Commonwealth benefit, cares for 36

age-pensioner patients. On inspecting the hospital last week, I found it to be serving a useful purpose in the community. Few hospitals cater specifically for age pensioners, and I shall supply to the Attorney-General, representing the Chief Secretary, full details of the services provided at that hospital. Will the Attorney-General ascertain from his colleague whether a Government subsidy, similar to the one granted to country subsidized hospitals, can be granted to this hospital?

The Hon. D. A. DUNSTAN: I shall obtain a report from my colleague.

AERIAL PHOTOGRAPHY.

Mr. McANANEY: Has the Minister of Lands a reply to the question I asked recently regarding aerial photography in reserves between Goolwa and Mannum?

The Hon. G. A. BYWATERS: Inquiries reveal that no aerial photography of roads and reserves in the area between Goolwa and Mannum has been carried out recently. It seems likely that the information that reached the Strathalbyn Fishing and Game Club resulted from letters recently forwarded to local government bodies (covering an area between Goolwa and Mannum) by the Water Recreational Areas Committee. The councils concerned, including the District Council of Strathalbyn, were advised that the first area to be investigated by the committee extended from Goolwa to Mannum, and they were asked to supply relevant information on all waterfront areas in their localities. The information sought included details of access, ownership, and control of waterfront areas and reserves.

LEARN-TO-SWIM CAMPAIGN.

Mr. MILLHOUSE: I have received from a constituent a letter, portion of which states:

> I wish to bring to your notice a rather disturbing and disappointing occurrence experienced in an application by my daughter to join a learn-to-swim class conducted by the Physical Education Branch of the Education Department. Our application was posted on the Sunday following the advertisement—

and a copy was enclosed—

> which had appeared in the Saturday edition of the *Advertiser* (date uncertain). On Tuesday, October 26, the application (enclosed) was returned, but without any covering note to indicate success or failure.

Subsequently, a telephone call to the department disclosed that, because the girl did not attend the school that had the pool at which the class was to be conducted, but attended an independent school, she had not been successful in her application. This was explained as follows:

> The policy of the Education Department is to give first preference to the children normally attending the school when filling the enrolment.

The letter continues:

> The delay in carrying out this policy also meant that our second choice, the Unley pool, had likewise been fully booked.

The author of the letter makes the point that because of the failure of the application for the first preference, he missed out on the second as well, and he continues:

> The advertisement states quite clearly that children attending private schools are invited to apply; nothing indicates policy or priority, and it quite clearly states also that enrolments will be made in the order in which applications are received. It undoubtedly would have given the children attending private schools a much fairer chance of success, had the advertisement clarified policies, and we in this case would not have shown our first preference for a State school pool.

The letter concludes:

> I should be grateful if you could bring this state of affairs to the notice of the people concerned. Such cases strengthen the argument for an ombudsman in the community.

Without going into the last point raised in the letter, I ask the Minister of Education whether he will clarify departmental policy on children attending independent schools participating in the learn-to-swim campaign. In particular, will he say (and, if necessary, I shall give him the name and address of the person concerned) whether, in fact, what has been the experience in this case is the general experience of the parents of children who attend independent schools?

The Hon. R. R. LOVEDAY: I shall be pleased to examine the matter and, if the honourable member will give me the details, they will be helpful. I may say that children from independent schools do receive swimming instruction in the same way as children from State schools. Enrolments this year considerably exceed enrolments for last year. A full statement for the press on these matters was being prepared this morning; I think it will be with the press in a day or two. However, I will inquire about the matter raised.

SIMMS COVE CLIFF.

Mr. HUGHES: About a fortnight ago I drew the attention of the Minister of Marine to the overhanging cliff face in Simms Cove between Moonta Bay and Port Hughes. I told the Minister that I was concerned that children

were playing in the danger zone. I regret to inform the Minister that on Friday evening last I received a telephone call from one of my constituents informing me that an accident had occurred. My constituent said that children had been playing in the area and that a piece of the overhang had given way and crushed the shoulder of my constituent's child, which necessitated the removal of the child to Adelaide for treatment. Has the Minister the report that he promised to get, and can he say what action has been taken on the matter?

The Hon. C. D. HUTCHENS: The General Manager of the Harbors Board has advised me that the Harbors Board's jurisdiction in this locality extends only to high water mark. It has been established that the cliffs in question form part of a strip of Crown lands known as the Coast Reserve. I understand it is the practice of the Lands Department in such cases to ask the Mines Department to make the cliff safe and I have accordingly referred the matter to my colleague, the Minister of Lands.

CAMPBELLTOWN PRIMARY SCHOOL.

Mrs. STEELE: About three years ago a new two-storey brick building of 12 classrooms was erected at the Campbelltown Primary School, in addition to the original schoolhouse, which, I understand, is occupied by an insurance employee and has three brick classrooms attached, one of which is used as an assembly room and the other two of which are used as craft and activity rooms. These 15 classrooms serve the primary school, at which 774 children are enrolled. The enrolments are increasing each year, and at present 500 are enrolled in the infants section. I know the area and its rate of expansion well, and I can vouch for the increased enrolments that have taken place over recent years. The school is becoming known as the prefabricated school because there are no fewer than 19 temporary classrooms and three more are, I understand, to be provided. As great concern has been expressed to me by members of the school committee about these three temporary classrooms, which will further encroach on the rapidly dwindling playground space, will the Minister of Education further consider the provision of a solid construction school commensurate with the expansion of the school and the district?

The Hon. R. R. LOVEDAY: I will examine the matter.

TELEVISION MAST.

Mr. RODDA: Has the Premier a reply to my recent question regarding the collapse of a television mast in the South-East?

The Hon. FRANK WALSH: The Postmaster-General reports:

On Monday, October 4, the 500ft. mast which was being erected under contract for my department at the Mount Burr television transmitting station collapsed during the prestressing of the guy ropes. The mast is required to support the antenna system which will be used to radiate both the national and commercial television transmissions at the new Mount Gambier station, and as it may take several months to re-erect arrangements have been made for the installation of temporary antennae. By utilizing a lower microwave radio link tower which had been erected at the station, it will be possible to complete the national television station by November 29, 1965, as originally planned. Arrangements have been made also to mount the antenna for the commercial station on the microwave tower to enable this station to commence service when it is ready but, to date, no announcement has been made of the proposed opening date for the commercial station. Because of the reduction in height and size of the temporary antenna systems mounted on the microwave tower, a slight reduction in the coverage of both the national and commercial television services must be expected during the period before the 500ft. mast is re-erected. However, the contractor has already taken every possible step to expedite its restoration and I am hopeful that the full service will be available to the South-East of South Australia and extreme South-West of Victoria within only a few months of the opening of the service.

PINE POSTS.

The Hon. G. G. PEARSON: My question concerns the supply of treated pine posts from the Government forests at Wanilla. During the weekend I was informed that the demand for supplies from this source exceeded the supply, and buyers have been unable to obtain their requirements. Much timber that was damaged by fire in the area is being used for this purpose, but labour is insufficient to make any real impact on the quantity available and, consequently, the regrowth that is occurring in the area must necessarily be damaged soon if the timber is not removed. Therefore, for three reasons it is desirable to increase the cuttings from this area: first, because posts are needed; secondly, because the timber is deteriorating; and, thirdly, because the growth of young pines will be inhibited if the area is not cleared soon. I am informed that the price paid for cutting is 1s. a post for the ordinary popular sizes. A buyer pays £24 10s. a hundred for 2½in. and 3in. tops, £37 10s. a hundred for the 4in. tops, and correspondingly more for strainers. Therefore, there appears

to be a substantial margin going to the Forestry Board for the cost of treatment. A cost of 1s. a post for the cutting and barking is insufficient to attract labour for the cutting work in a tight labour market. Will the Minister of Forests call for a report on the matter and examine it himself to try to arrive at a conclusion whether it would not be desirable to increase the price for cutting to attract more cutters into the forests, make more posts available, and so use the timber while it is in a fit state to be used?

The Hon. G. A. BYWATERS: Yes.

HILLS TRAFFIC.

Mr. SHANNON: Some months ago the Premier attended a well attended meeting in the Mount Lofty Institute at which the Mount Lofty Ranges Association was formed. I attended a meeting of the same association at Mount Lofty last night when it appointed its various committees. What interested me was a letter which was read out by the secretary and which had been sent by this association, I think to the Highways Department, dealing with the proposal of that department to renew and widen a little district road which lies right behind the Aldgate railway station and leads into Churinga Road. Normally this is no more than a little village link. Recently, however, heavy transports with high loads have been diverted around this route and are still using it, and this fact is being used as an excuse for the rebuilding of the bridge on this road. The association holds entirely different views, and one of those views is the need for the preservation of the beauty spots in the hills, of which this spot is one. The association suggested that as an alternative to this route what is known as Wilpena Terrace should be used, for it has no bridges on it, whereas the route being used has two bridges. It was pointed out to the department that the visibility for traffic joining and leaving the main stream of traffic on the Mount Barker Road was better than in the case of Pine Street, which is at present being used. What disturbed me was that it was reported that the Highways Department had already called tenders for this bridge, and, if that is true, and it has ignored this association, many people will be extremely annoyed. I think the suggestion made by the association was at least worthy of a reply. Will the Minister of Education take this matter up with his colleague, the Minister of Roads, with a view to ascertaining the Highways Department's proposal?

The Hon. R. R. LOVEDAY: Yes, I shall be pleased to do that.

PARAFIELD GARDENS ESTATE.

Mr. HALL: Has the Premier an answer to my recent question concerning Housing Trust assistance in respect of recreation areas in the Parafield Gardens housing estate?

The Hon. FRANK WALSH: When the Housing Trust embarked on the construction of Elizabeth, it had to create a new town and it was obviously desirable to provide amenities such as park lands. However, the development of Elizabeth has now reached the stage when the trust expects the Elizabeth council to undertake the development of areas set aside as park lands and handed over to the council. The council has been informed of this and accepts the position. When the trust develops an ordinary housing estate, it does not accept the responsibility for developing any park lands created by the trust, and Parafield Gardens falls within this category of housing estate. I may mention that, whilst the trust cannot accept responsibility for developing park lands at Parafield Gardens, it has given substantial assistance to the Salisbury council in the drainage of the area.

INNER SUBURBAN REDEVELOPMENT.

Mr. COUMBE: Can the Attorney-General say whether the Government considers that the erection of two or three-storey walk-up flats on land owned by the Housing Trust at Gilberton, in place of the existing development (most of which, as the Attorney-General knows, is substandard), is consistent with the Government's stated policy of inner suburban redevelopment, which has been referred to by the Attorney-General in his role as Minister in charge of town planning?

The Hon. D. A. DUNSTAN: The position with inner suburban redevelopment is that, although the Government regards it desirable to obtain higher-density population in some inner suburban areas, the long-range plans for such inner suburban redevelopment depend upon the submission of detailed plans for redevelopment by the various councils. I have asked the councils in all areas where redevelopment is to take place to make initial submissions to the Government by next April so that the various projects about which they may then wish to negotiate can be co-ordinated. It is at that stage that the Minister of Housing will be concerned with the provision of immediate projects. I cannot answer the honourable member further than that at the

moment. When we know what the overall programme is, we shall be able to work out with the various authorities concerned where priorities lie.

LAKE ALBERT LEVELS.

Mr. NANKIVELL: About the end of July I asked the Minister of Works a question regarding the levels in Lake Albert, and I drew attention to the fact that the lake needed to be maintained at a high level, otherwise people pumping from it would have difficulty in getting sufficient depth of water from which to operate their pumps. The Minister replied to the effect that this matter would be closely watched. He did not actually give me an assurance, but I understood from what he said that every effort would be made to ensure that the barrages were not unnecessarily opened late in the season, in order to maintain the pool level in Lake Alexandrina as high as possible, which in turn would mean that Lake Albert would be maintained as high as possible. Recently I saw a report in the *Murray Valley Standard* to the effect that a deputation was going to the Engineer-in-Chief (Mr. Dridan) to draw attention to the fact that the barrages had been recently opened. Will the Minister inquire whether the barrages were opened (and, if so, why), and whether it is thought as a consequence that the lake levels will be reduced? If possible I should like an assurance from the Minister that such opening is necessary only as a means of removing salt perhaps from upper reaches and that the ultimate pool level of the lake will be maintained above or up to normal pool level.

The Hon. C. D. HUTCHENS: I remember the question and the reply given. While I did not in so many words give an assurance that the barrages would not be opened, I did give an assurance, on the advice of my departmental officers, that the levels would be retained at a safe height, and I had hoped that this would be done. However, in view of the honourable member's statement I will have an inquiry made, and I shall be pleased to let him have the answer. I assure him that no effort will be spared to see that the lake is maintained to a safe level in the interests of all people.

UNION FEES.

Mr. FREEBAIRN: A British migrant, living in my district, is the proprietor of a small country store and has been there for 1½ years. He has been in Australia about 2½ years, and before coming to the country store he worked as a carpenter. While he was doing so, a trade union organizer called at his place of work and, properly, he took out a union subscription. Last Wednesday he received a letter from George Laurens (S.A.) Proprietary Limited, a debt-collecting firm, which states:

> As collection agent for Amalgamated Society of Carpenters and Joiners we have been directed to effect an immediate recovery from you of your indebtedness amounting to £12 10s., and have to demand payment forthwith. The necessity for the utmost urgency on your part must be forcefully emphasized hence it is imperative that we receive a settlement by return mail certain, failing which, legal action, involving costs to be borne by you, will be prompty instituted by a solicitor on our principal's behalf. This intimation is urgent and final.
>
> Amount Due .. £12 10s.
> Collection . .. £1
> Remit . .. .. £13 10s.

This migrant was working for only one year as a carpenter and paid his subscription for that half-year, which amounted to 30s. I telephoned this company last Friday and the manager told me that, although he had no knowledge of this particular case, this union had lodged many such claims with his firm for collection. As this union seems to be exceeding its entitlement in this matter, will the Attorney-General take immediate action to stop this sort of duress?

The Hon. D. A. DUNSTAN: Speaking from memory, I think the Amalgamated Society of Carpenters and Joiners is an industrial organization registered under the Commonwealth Conciliation and Arbitration Act. The question of cessation of membership fee to the union is governed by the provisions of that Act. From my memory of the Act, one can only resign as a member at a time when one is financial and upon giving due notice. Under the provisions of the Commonwealth Conciliation and Arbitration Act, membership fees remain a liability until that action is taken at a time when a member is financial.

Mr. Freebairn: I have asked you to take the case up for my constituent.

The Hon. D. A. DUNSTAN: I am not in private practice in matters of this kind. This is a matter of a civil claim between a registered organization under the Commonwealth Act and an individual. As Attorney-General I am unable to take action. If the honourable member's constituent considers that he has a proper legal basis for objecting to the demand made on him, he should see a solicitor: it is not the Attorney-General's job to give general legal advice and assistance to any person

against whom a civil claim is made. The task would be impossible, even if I tried.

INFECTED STOCK.

Mr. CASEY: Has the Minister of Agriculture a reply to the question I asked on October 19 about infected stock in transit from South Australia to Western Australia?

The Hon. G. A. BYWATERS: Exports of sheep to Western Australia are as follows: 1962-63, 89,000 approximately; 1963-64, 172,000 approximately; 1964-65, 290,000 approximately; the figures for the period July 1, 1965, to date are not yet available but are approximately the same as for 1964-65. About 5 per cent of the mobs submitted since September 15, 1964, have been refused certificates by our inspectors because of the presence of pink-eye and scabby mouth. Prior to September 15, 1964, the Western Australian requirements did not include certification of freedom from these diseases but exporters were advised in some cases not to forward affected sheep until they had recovered. About 20 per cent of mobs, averaging about 200 head each, submitted for inspection since June 1, 1965, when horehound was included in the Western Australian weeds certificate, have been rejected by our staff.

We have not been informed by the Western Australian authorities of any pink-eye or scabby mouth in sheep arriving in that State from South Australia since September, 1964. We have been advised of horehound being present in six mobs totalling about 5,000 sheep. These sheep have not been returned but have been subjected to further treatment in Western Australia. In docket D.A. 353/65 herewith, is a report of discussions with Mr. Meadly, Officer-in-Charge of the Weeds and Seeds Branch of the Department of Agriculture, Western Australia. He expressed satisfaction with the efforts of our district inspectors of stock, who are responsible for the inspections and issue of certificates. However, we have insufficient staff to do this work properly and to attend to other urgent calls on our officers. A case for more staff is also advocated.

HIRE-PURCHASE.

Mr. RYAN: A constituent of mine approached me at the weekend because he had been summoned under a debt charge relating to a hire-purchase agreement. It seemed to me from the summons that there was a definite infringement of the Hire-Purchase Agreements Act, 1960, by the owner of the goods referred to in the original hire-purchase agreement. I suggested to the constituent that he consult a solicitor. If there is a definite infringement of the Act, can the Attorney-General say how a prosecution is initiated in the circumstances I have outlined?

The Hon. D. A. DUNSTAN: If the honourable member would refer the matter to me and produce the documents concerned, I will have an investigation made to see whether a complaint under the Act should be laid.

NORWOOD BOYS SCHOOL.

Mrs. STEELE: Has the Minister of Education a reply to my recent question about the provision of a new craft block at the Norwood Boys Technical High School?

The Hon. R. R. LOVEDAY: The Public Buildings Department states that tenders are expected to be called for the new craft block at Norwood Boys Technical High School during December of this year. The letting of the contract will depend on the availability of funds at that time.

FOOT-ROT.

Mr. RODDA: Yesterday, at Kalangadoo, I met a deputation of about a dozen landholders who expressed grave concern at the incidence of foot-rot in that district. It seems that several outbreaks of the disease have flared up in this area, and one landowner reports infection after being clean for some seven years. There is strong feeling that in some properties the disease had never been cleaned up, and certificates of clearance have been issued without adequate inspection. This is not a criticism of the departmental officer, who has a big area to cover, as it is virtually impossible for one man to police this problem in a district which embraces the lower South-East from Penola to Mount Gambier, Millicent, and Beachport. Among other things, the deputation requested that consideration be given to branding infected stock under departmental supervision conspicuously and, in the case of an owner forced to sell his infected stock, to establishing a liaison with the Taxation Department in respect of restocking. I shall supply to the Minister of Agriculture a full report of my discussions with the farmers concerned. However, will the Minister consider providing some assistance for the resident stock inspector to appraise this difficult and dangerous situation?

The Hon. G. A. BYWATERS: I regret that there has been a recurrence of this problem in the South-East. I will certainly consider this matter and ascertain whether assistance

can be provided for the officer concerned. In the past, the Victorian department has been rather difficult in this matter, stating that we should live with the problem and that we could not do much about it. However, I am pleased to say that that attitude has somewhat changed, and I believe that a much closer co-operation now exists between our department and its Victorian counterpart. This, I am sure, will help considerably.

ANZAC HIGHWAY LIGHTS.

Mr. HUDSON: On the corner of Brighton Road and Anzac Highway traffic lights have been covered for some months, although ready to function. Will the Minister representing the Minister of Roads ascertain when these lights will function?

The Hon. R. R. LOVEDAY: Yes.

EYRE PENINSULA WATER SUPPLY.

Mr. BOCKELBERG: Has the Minister of Works a reply to the question I asked on October 21, regarding the re-laying of pipes between Knott Hill and Lock, and thence to Minnipa?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has informed me that the relaying of the Tod trunk main from Knott Hill to near Tooligie is expected to be completed by November, 1966. Preliminary work on the section from Warramboo to Minnipa will commence in December, 1965, and pipe-laying is expected to commence in February, 1967.

QUARRY DAMAGE.

Mr. MILLHOUSE: Has the Minister representing the Minister of Mines a reply to the question I asked him some time ago about quarrying operations, and the possible damage caused thereby, in my district?

The Hon. G. A. BYWATERS: My colleague, the Minister of Mines, reports that the report of further fly rock at Broadview Quarries, Blackwood, has been investigated. It is correct that rock did land in Mrs. Luscombe's yard from a shot fired at this quarry—a toe hole in the east face of the top bench. Instructions have been issued that (1) no further toe holes are to be bored and fired; and (2) the top face is to be cut through eastward and swung round as soon as possible to change the direction of firing. Further, the operator has been advised that, in the event of any repetition of dangerous fly rock, all blasting in the quarry will be prohibited. It is considered these steps will eliminate fly rock, and that within about two weeks the quarry will be swung round, so that firing will be no longer in the direction of a settled area.

GRASSHOPPERS.

Mr. CASEY: Grasshoppers are a menace not only to the North but also to other parts of the State, and have been the subject of questions asked by other honourable members in the last two or three weeks. My attention has once again been drawn to the infestation by grasshoppers particularly in the Upper-North of the State, where several district councils desire to obtain assistance from the Agriculture Department in the supply of liquids such as dieldrin and gammexane to eradicate the pests. I assure the Minister of Agriculture that the application of the latter pesticide not only kills grasshoppers but maintains its killing power for some time after application. As the Minister is aware, grasshopper plagues at this time of the year can cause much damage which, although not affecting a large area, unfortunately covers many thousands of acres, where stock feed can be spoilt for the summer, until a break in the season freshens the feed. Will the Minister take this matter up with his department?

The Hon. G. A. BYWATERS: This matter has been brought to my attention by the member for Eyre (Mr. Bockelberg) and has been raised by an honourable member of another place. My officers are at present investigating the problem, and will furnish me with a report soon. I shall add this question to those that have already been referred to them. I assure the honourable member that I am concerned about this matter.

TEENAGE DRIVERS.

The Hon. T. C. STOTT: I have received a letter in today's mail regarding a matter that is causing much concern not only to every honourable member but to many of the public. The letter states:

> I and many thousands of other people are very perturbed at the number of fatal car crashes, many of them head-on collisions, caused by the speeding of teenage drivers, the latest and very tragic case in our district being near Barmera last Friday night. So often a sensible driver, possibly with his family, is driving along doing everything right, and suddenly some young idiot comes from the front doing nearly 100 miles an hour, cannot take a bend, and there is a fatal collision. Why must teenagers drive?

The author refers to one of his own sons involved in a head-on collision near Renmark a couple of weeks ago, and states:

The five or six teenagers in the car told police they were travelling at 40 miles an hour, but actually just before the crash I understand they were doing 70 miles an hour.

He apparently received this information from his son. The letter continues:

I know it is a waste of time bringing in a law restricting teenage drivers to 50 m.p.h. as the only time that law is respected is when a police car is on their back wheel. So this is my suggestion: bring in a law making it illegal for a person under 25 years of age to own a car capable of doing more than, say, 50 m.p.h.

He suggests that this could easily be done by a small modification to the carburettor or by some other mechanical device. He says also that he is concerned about the penalties for breaches of the law and the consequent cancellation of licences. His letter continues:

You may not agree with my suggestion—you may have a better one; but for God's sake do something to try to overcome this tragic situation as it involves every person in the country, if not as a car driver, then as a passenger in a car. If only six tragedies a year could be avoided by some such drastic legislation it surely would be well worth while.

I suggest to the Premier that he raise this matter with the Registrar of Motor Vehicles, the Police Commissioner, and a representative of the Royal Automobile Association to see whether those men can make a suggestion that will help in alleviating this ever-increasing problem. I suggest that consideration be given to the issuing of a temporary licence to drivers between the ages of 16 and 21 years. This licence could be cancelled as a result of a report by a local police officer to the Police Commissioner. My suggestion may do something to solve this serious problem, which should have something done about it.

The Hon. FRANK WALSH: Although I am not mechanically inclined, it seems to me that the placing of a governor on some cars to reduce their speed would not work because many young people have wide mechanical knowledge. Therefore, the intention behind such a move would be defeated at once. The suggestion of permitting drivers under 21 to own a car of only a certain horsepower would tend to interfere with the freedom of the individual. Such accidents as the turning over of a motor car may not always be the fault of a driver: they could be the result of a skid or something else. I think all of us are concerned about the fatal accidents that are occurring. I am prepared to discuss this matter with the Police Commissioner or with his representatives to see whether any practical suggestion can be made towards relieving this situation.

CAVAN RAIL CROSSING.

Mr. HALL: Has the Minister of Education, representing the Minister of Roads, a reply to my recent question regarding the Cavan rail crossing on the Port Wakefield Road?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the preparation of comparative estimates for an open crossing or overway bridge at this site is somewhat involved, as foundation investigations have been necessary. A decision will be reached within the next two months. If a decision to construct an overpass is reached commencement of construction will, due to the increased cost, depend on the availability of finance.

POINT McLEAY.

Mr. NANKIVELL: Last Tuesday I asked the Minister of Aboriginal Affairs a question about Point McLeay and the intention to make it an open village. The Minister replied to my question and subsequently made a further statement about open villages. In the event of Point McLeay being declared an open village, can the Minister say whether the local council will be responsible for maintaining roads and any services in the area? Will the land be vested in the individual landholders and, if it will not be so vested, who will be responsible for the rates? Also, what redress will the council have in the recovery of rates if persons occupying the premises fail to pay them?

The Hon. D. A. DUNSTAN: These are all matters that will have to be negotiated between the department, the Aborigines Land Trust and the local council, before the declaration of the place as an open village. Until the land trust has been created and the question of whether or not Point McLeay joins the land trust area has been decided, these questions cannot be considered.

NARACOORTE NORTH SCHOOL.

Mr. RODDA: Has the Minister of Works a reply to my question of October 19 concerning a shelter shed at the Naracoorte North School?

The Hon. C. D. HUTCHENS: The Public Buildings Department considers that the floor in the shelter shed should be attended to in conjunction with other paving work that is scheduled to be done in the school yard. The department is waiting for the Education Department to declare the order of priority and, on receipt of the priority, appropriate action will be taken.

ROSE PARK SCHOOL.

Mrs. STEELE: Until recently, both grades 6 and 7 at the Rose Park Primary School had the opportunity to do woodwork but now this has been limited to grade 7 boys, and I believe that this arrangement may soon be terminated on the grounds that provision is now made for scholars to learn this craft at secondary school level. Many parents are disappointed and have expressed their regret about this to me. Will the Minister of Education further consider the continuation of these classes at this school?

The Hon. R. R. LOVEDAY: I will examine the matter and bring down a report.

WILD LIFE RESERVE.

Mr. BOCKELBERG: Last weekend, whilst at Minnipa, I was told that lightning had struck the wild life reserve in the hundred of Hambidge and that a large area had been burnt out. Has the Minister of Lands any information on this matter and, if he has not, will he obtain a report?

The Hon. G. A. BYWATERS: I will get a report.

UNIVERSITY AUDIT.

Mr. NANKIVELL: Has the Minister of Education a reply to my recent question concerning the auditing of the books of the University of Adelaide by the Auditor-General?

The Hon. R. R. LOVEDAY: I have considered the question of whether the books and accounts of the University of Adelaide should be audited by the Auditor-General and I find that the present practice is for this to be carried out by two reputable and competent firms of auditors. I have been advised by the Vice-Chancellor that this method is preferred by the university authorities as they can request their auditors to give special attention to any particular requirements of the university. The reports of these auditors are made available to the Government, and the Vice-Chancellor has assured me that if the Government requires a report on any particular phase of the university finances the present auditors will be requested to supply the information. Under these circumstances the Government considers there is no need to depart from the current procedure.

ABORIGINAL EYE COMPLAINT.

The Hon. Sir THOMAS PLAYFORD: During the Estimates debate I raised what appeared to me to be a serious problem concerning an eye complaint (I think glaucoma) suffered by Aborigines in the North-West reserve. Either the Treasurer or the Minister of Aboriginal Affairs promised that this problem would be investigated. Has the investigation yet taken place, and, if so, what did it disclose? Can effective action be taken?

The Hon. D. A. DUNSTAN: I have asked for reports from the patrol officers in the North-West area as to the incidence of glaucoma, but final reports are not yet to hand. However, we had previous reports about health standards (including eye infections), particularly of children, and submissions have been made by officers as to the improvement of conditions there, which would make it very much easier to deal with such matters. They are currently being considered, together with the improvement in patrols in the area. I hope that with the improvement in some of the hygiene conditions there it will be much easier to treat outbreaks of this kind. The final report concerning glaucoma is not yet to hand.

FREE LIBRARIES.

Mr. HALL: Has the Minister of Education a reply to my recent question concerning free libraries in the southern part of the Salisbury City Council area?

The Hon. R. R. LOVEDAY: The Libraries Board states that it has at no stage received a request from either the Salisbury or the Elizabeth council for consideration to be given to the establishment of a bookmobile service in Para Hills or Parafield Gardens, or in any other area under the control of these councils.

WEED ERADICATION.

The Hon. T. C. STOTT: Has the Minister of Education a reply to a question I asked some time ago regarding weed eradication?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the responsibility for eradication of noxious weeds on road reserves rests with the local government authority. The width of right-of-way controlled by the Commissioner of Highways is confined to the sealed pavement plus the shoulders, which may be up to 10ft. wide. If any specific case or cases can be quoted where the department's earthmoving plant has nullified the weed poisoning work performed by any council, then the department is prepared to rectify the matter.

WATER SUPPLIES.

Mr. HUGHES: Recently a number of diluted questions have been referred to the Minister of Works. In view of the very dry season and the paucity of intake of water into

the metropolitan reservoirs this year, and the concern expressed by the honourable the Leader of the Opposition relative to the doubt of sufficient River Murray water being pumped to supplement local reservoirs to enable an adequate water service to metropolitan householders, is the Minister of Works aware of the fact that a public spirited citizen, in the person of Mr. Hurst, M.P., has already taken steps to assist this situation by digging wells and sinking bores in his back yard to provide relief to the Engineering and Water Supply Department, by using local water from these wells and bores for gardening purposes? Does the Minister intend to encourage the extension of this public spirit? Also, what practical assistance, if any, is he prepared to give the honourable member? Would it be economical to have amendments made to the various Acts to enable the Engineering and Water Supply Department to have a reciprocal arrangement with Mr. Hurst regarding water?

The Hon. C. D. HUTCHENS: This is rather a long, drawn-out question. Quite a few Acts would have to be amended, because I think in the first place the member for Semaphore would be putting himself in grave danger under the provisions of the Constitution in endeavouring to trade with the Crown, which I understand is not permitted. I have much sympathy for the honourable member for Semaphore. It does appear that people who buy luxurious homes have difficulty in financing them, but I feel that he should not encourage unsuspecting people to offend against the law, and in this respect I am rather concerned about the actions of the honourable member for Wallaroo. I think I will have to discuss the matter with the Attorney-General to see whether the honourable member has offended under the Hawkers Act. I am somewhat concerned about the question, in all seriousness, because it seems to indicate to me that people in the Semaphore area are prepared to sell underground water. This is a very dangerous thing, seeing that the area is close to the sea and the water may be polluted. I am afraid I will have to take this up with the Minister of Mines to see whether it is necessary for this matter to be dealt with under yet another Act.

BALAKLAVA HIGH SCHOOL.

Mr. HALL: Has the Minister of Education a reply to my question concerning the acquisition of land for the Balaklava High School?

The Hon. R. R. LOVEDAY: This land is the subject of compulsory acquisition. Following the serving of a notice to treat approximately six months ago, the solicitor for the owners has recently been asked by the Crown Solicitor whether he will accept an originating summons to enable a case to be arranged for court hearing. It is not possible at this stage to say when the land will be acquired.

HOUSING FINANCE.

Mr. NANKIVELL: Has the Premier, as Minister of Housing, a reply to a question I asked last week concerning assistance to purchase a house in Keith under the State Bank finance terms?

The Hon. FRANK WALSH: The housing loan was applied for in 1965, according to the letter quoted in this House. This applicant inquired on August 4, 1965, of the local State Bank manager, but delayed making formal request until October 17, 1965. He is being listed with priority from August 4, 1965. On the present run of applications and approvals it is expected his case would be dealt with within three months and settlement made within a month from that time. To deal with his case earlier would have given him priority over country applicants listed earlier, which would have been unfair to the others. The waiting period after listing for country applicants is at present, as Parliament was recently informed, about seven months, but this is tending to increase. For metropolitan applicants it is about twice that period at present. It seems that the major building programme conducted in country areas is being financed by the State Bank, and, without reflecting on other banks, those banks do not seem to be assisting the people to any great extent.

LAND DEVELOPMENT.

Mr. NANKIVELL: Has the Minister of Lands a reply to my recent question about the Government's intentions with respect to land in the hundreds of Billiatt and Auld?

The Hon. G. A. BYWATERS: Section 26, hundred of Auld, and section 18, hundred of Billiatt, were dedicated as a wild life reserve under the control of the Commissioners of the National Park and Wild Life Reserves in September this year. Section 19, hundred of Billiatt, contains some poor land and the Land Board will shortly be considering whether it should be made available for leasing. However, in view of the generally poor nature of the soils, combined with the limited area of this section, it will be suitable only for the augmentation of another holding and this

aspect will be investigated before reaching a decision. There is still a considerable area of land in the hundreds of Auld and Billiatt, south of the dedicated areas and west of the Alawoona Road, which remains as unoccupied Crown lands. Generally, this area is of very poor quality and there have been no inquiries concerning it since 1929. It is considered that this area should also be added to the wild life reserve. It is not proposed to make any further subdivisions in this area.

DENTAL HEALTH.

Mr. MILLHOUSE (on notice):

1. Has consideration been given to the statement appearing in the *Advertiser* of Wednesday, October 20, 1965, by Mr. R. H. Wallman, seeking the support of the Government in an education campaign on preventive dentistry?

2. If so, is it the intention of the Government to give support to all aspects of dental hygiene mentioned therein?

3. If not to all such aspects, to which ones is it intended to give support?

4. In what ways is it intended to give any such support?

5. If no consideration has yet been given to this statement, when will it be considered?

The Hon. FRANK WALSH: The replies are:

1. Yes.

2. Dental health education is already being provided by (*a*) instruction of children by school dentists; (*b*) instruction of teacher trainees in the teachers colleges; (*c*) the Public Health Department's publication *Good Health for South Australia*; (*d*) talks from school dentists and doctors to mothers' clubs and similar bodies. The training of dentists is a matter for the university. The Government has supported two major rebuilding and extension programmes at the Dental Hospital and School to provide extra training facilities.

3. *Vide* No. 2 above.

4. In addition to its existing activities in dental service and health education, the Government recently announced its intention to train and use dental nurses in the School Health Service. This is expected to permit not only increased treatment but a greater attack on dental hygiene and dental health education.

5. Not applicable.

POLICE QUESTIONING.

The Hon. Sir THOMAS PLAYFORD (on notice):

1. Will the Attorney-General obtain for the benefit of the House, a summary of the present law covering police questioning and the admissibility of confessions?

2. Have Their Honours the Judges suggested in court or outside it, that the present law is defective? If so, what were their recommendations regarding changes in this law?

3. Apart from hearings in court, have there been any specific incidents, involving police questioning, which have been reported to the Minister and which show that the present law is unsatisfactory? If so, what were those incidents and how do they indicate that the present law needs changing?

4. Has the Crown Solicitor made any recommendations for amendment of the existing law and procedure? If so, can this information be made available to honourable members?

5. Has the Attorney-General received any views from senior members of the bar who have had experience in the Criminal Court as to the need (if any) for change in this law? If so, what were these views?

The Hon. D. A. DUNSTAN: The replies are:

1. I will supply one to members of the House before the debate on the Evidence Act Amendment Bill proceeds.

2. No suggestion has been made in court. Justice Travers when a member of this House told the House that the courts of this State had not faced up to their responsibilities on the law of confessional evidence and did not administer it as strictly as it was administered elsewhere. No submission has been made by the judges as a body, and it would not be proper for me to retail the views of individual judges expressed in what was intended to be private conversation.

3. Many matters have been cited to me over a period of many years by legal practitioners. The reasons, arising from those incidents, for changing the law in the manner proposed were set forth at some length in the second reading explanation of the Evidence Act Amendment Bill, and no doubt gave rise to the support for the Bill expressed by the representative body of the legal profession, the Law Society. The principle changes advocated were: (1) the reducing into writing of statements made by the accused and the giving to him of an opportunity to check the statement; and (2) the restriction of questioning an accused on the basis of a statement alleged to have been separately obtained from another accused jointly charged with him.

4. Discussions with several officers of the Attorney-General's departments on all the provisions of the Bill have naturally taken place.

It is not the policy of the Government to tender to this House opinions of employees of the departments. The tendering of the opinions of the Crown Solicitor is confined to the matters on which he has a statutory obligation to give an opinion or certificate.

5. Yes. Numbers of experienced counsel in private practice have expressed views to me on the matter. In all cases except one the views were in support of the provisions of the Bill. Mr. L. J. Elliott, Queen's Counsel, however, who is experienced both as a prosecutor and as defence counsel, regarded the provisions as dangerous because he considered that police officers could hide behind the provisions in some circumstances. He said he believed that these could provide a respectable facade for improper pressure by some police officers which he considered took place in some cases now. The view of the Government and of other experienced counsel was, however, that the advantages of ensuring compliance with the Judges' Rules system outweighed any disadvantages Mr. Elliott feared. Mr. Elliott added that he considered that the rules were quite proper and that actual compliance with them by police was eminently desirable.

MAINTENANCE ACT AMENDMENT BILL.

In Committee.

(Continued from October 27. Page 2439.)

Clauses 30 to 40 passed.

Clause 41—"Power to commit defendant to prison for failure to pay maintenance."

The Hon. D. A. DUNSTAN (Minister of Social Welfare): I move:

> In new section 91 (3) to strike out "it" and insert "the court or a justice"; after "may" to insert "upon the making of the order or at any time thereafter".

The provisions of subsections (3) and (4) of new section 91 have to some extent been repeated in subsection (11) of that section. The first and third amendments to this clause are designed to omit subsection (11), after including in subsection (3) the effect of what appears in subsection (11). The second amendment is a drafting improvement.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

> In new section 91 (8) after "term" third occurring to insert "as".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

> In new section 91 to strike out subsection (11).

Amendment carried; clause as amended passed.

Clauses 42 to 44 passed.

Clause 45—"Enactment of subdivisions 3 and 4 of Division I of Part IIIa of principal Act."

The CHAIRMAN: Subdivision 3, "Attachment of earnings"; new section 96a, "Interpretation"; new section 96b, "Application for attachment of earnings order."

Mrs. STEELE: It has been suggested that the word "persistently", not being sufficiently precise, should be replaced by "habitually", and that provision should be made for a defendant to consent to his wages being attached.

The Hon. D. A. DUNSTAN: If the defendant consents to that he can, of course, arrange with his employer a procuration order. If the honourable member desires to move an amendment, I should have hoped she would have something on the file. As to whether we should use the "four weeks" provision, it was believed that this was sufficiently in line with the principles under the Matrimonial Causes Act. The word "persistently" is not a particularly imprecise term, and "habitually" is not more precise. Unless honourable members desire to make a major amendment to the Bill in which I see some virtue, I am not disposed to delay the proceedings of the Committee while we consider amendments drafted at the last moment.

Mr. MILLHOUSE: Does the word "precisely" mean that a defendant has failed to make payments for one, two, three or four weeks? If we include "has failed for a period of four weeks to comply with the requirements of the order" then that would be far more satisfactory and in line with the Third Schedule of the Matrimonial Causes Act. The period of four weeks is included in the Fourth Schedule.

The Hon. D. A. DUNSTAN: As I understood the purposes of this provision, which was to replace the provision written into the Act by an Opposition amendment about two years ago, it was to catch people who were persistently offending at the time an order was made. As I understand the honourable member's amendment it would apply to people who were four weeks in arrears although the arrears actually occurred a long time before and they were going along quite nicely catching up with the provision at the time. I am not happy with the inclusion of the words suggested by the honourable member.

Mr. Millhouse: What do you think we should include?

The Hon. D. A. DUNSTAN: I am not here to draft amendments for the honourable member. I have been patient about the provisions of the Bill. It has been on the Notice Paper for months, and an opportunity was given to honourable members to consider it at length, to have the second reading explanation, to get representations from the public, and to make up their minds about amendments that they wished to move. Then, after all that had happened and after honourable members had had a field day on all sorts of other measures, I was asked by the Leader of the Opposition to postpone the Bill for a further period so that members opposite would be ready. We went on with the Committee debate last week, and I am now asked to draft amendments in the middle of the Committee stage.

Mrs. STEELE moved:

In new section 96b (3) after "failed" to insert "or he has failed for a period of four weeks".

The Committee divided on the amendment:

Ayes (17).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Rodda, Mrs. Steele (teller), Messrs. Stott and Teusner.

Noes (18).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan and Walsh.

Majority of 1 for the Noes.

Amendment thus negatived.

The CHAIRMAN: New section 96c, "Employer to make payments under order"; new section 96d, "Power to make attachment of earnings order instead of other order"; new section 96e, "Discharge or variation of order"; New section 96f, "Cessation of attachment of earnings order"; new section 96g, "Compliance with order"; new section 96h, "Where two or more orders are in force"; new section 96i, "Notice to defendant of payments made"; new section 96j, "Determination as to what payments are earnings"; new section 96k, "Service"; new section 96ka, "Offence."

Mr. MILLHOUSE: This new section creates an offence and a penalty of up to £100 for anybody who fails to comply with the requirements of this subdivision. I have not risen on any of these proposed new sections. However, I point out to the Committee that this clause we are going through now, with these new sections in it, does create a new code and a completely new procedure. It seems to me that the penalty we are putting on the employer (because it is the employer who will presumably be the one most likely to commit offences under this) is a pretty heavy one. I hope the Minister will not chide me because I have not prepared an amendment, but I just wonder whether we are not being too severe in making a penalty that will be imposed upon a person who originally is entirely innocent, because he is right outside the matters in dispute; it is only by the accident of the employment of the defendant that he comes into it, and I question whether we are not being too severe in imposing a penalty of up to £100 on him. I think the penalty could have been a good deal lighter. As the Minister knows, even though the maximum penalty is not imposed by a court, the courts do look at the penalty provided by Parliament in any Statute as a guide to the seriousness with which the matter is viewed by Parliament. Although this is a serious matter, I think such a penalty for an offence like this is really getting the thing rather out of proportion, when this is an entirely new departure.

The Hon. D. A. DUNSTAN: I move:

In new section 96ka to insert the following new subsection:

(3) Subsection (1) of this section does not apply to the Crown in right of the Commonwealth or in right of the State.

The penalty was fixed in order to provide that it was possible for the court to penalize people severely in cases where it thought that was just. On the other hand, as the honourable member knows, even in those cases where severe maximum penalties (and severe minimum penalties) are prescribed, the court does in certain cases find special reasons for reducing the matter below the minimum.

Mr. Millhouse: The general rule is that they take the penalty imposed by Parliament as a guide.

The Hon. D. A. DUNSTAN: But then the court looks to the seriousness of the case, and if it finds that in all the circumstances it was really a matter of inadvertence and not something that should be heavily penalized, then it does not do so. As the honourable member knows, there are cases where a penalty of £100 is prescribed and the courts will fine a man £5.

Mr. Millhouse: I can't think of one offhand!

The Hon. D. A. DUNSTAN: Well, I can. I really do not think the honourable member has to fear that this is going to impose an

enormous burden upon people, other than where somebody has been deliberately flouting the orders made by the court. My amendment exempts the Crown from the penalty, and obviously this is a necessary drafting amendment. We could not penalize the Commonwealth, and it is not the practice in South Australian Statutes to penalize Her Majesty.

Amendment carried.

The CHAIRMAN: New section 96m, "Dismissing an employee, etc., by reason of the making of an attachment of earnings order."

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): For reasons of slackness of trade or for some other reason, a firm that has a number of employees, including one against whom an order is made in respect of earnings, may want to dismiss that person. Does this provision mean that the firm does not have a complete right to decide to do this? What has to be established to show that this section does not apply? What is the test of the section?

The Hon. D. A. DUNSTAN: The onus of proof is on the prosecution, and this section is similar to one in the Commonwealth Conciliation and Arbitration Act which provides that an employer may not dismiss or disadvantage an employee. It is possible to succeed in prosecutions under that section.

The Hon. Sir Thomas Playford: That is in respect of an employee joining a union?

The Hon. D. A. DUNSTAN: Yes, or requiring the employee to observe the conditions of an award. A clear connection must be shown between the dismissal and the matter that the employer is not allowed to take into account. It has to be shown by evidence, and the onus is on the prosecution that it was the attachment of earnings order that resulted in the change. If the prosecutor cannot show that, the employer goes free and can order his business in the normal way. Some clear nexus in the evidence must be shown.

The Hon. D. A. DUNSTAN moved:

In new section 96m before "Any" to insert "(1)".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 96m to insert the following new subsection:

(2) Subsection (1) of this section does not apply to the Crown in right of the Commonwealth or in right of the State.

Amendment carried.

The CHAIRMAN: New section 96n, "Reimbursement of wages and reinstatement"; new section 96na, "Application of Subdivision"; new section 96p, "Payments by Crown, etc."; new section 96q, "Provision where defendant supported wife, husband or child during any period"; new section 96r, "Court may require defendant to state his employer, etc."

The Hon. D. A. DUNSTAN: I move:

In new section 96r (1) after "in relation to" to strike out "an" and insert "a maintenance"; to strike out "made under this Act".

These are drafting amendments, as a maintenance order is defined by new section 76s.

Mrs. STEELE: This is a replacement for section 98 of the Maintenance Act, which is repealed by section 46. Does the Minister consider that this section covers sufficiently the contingency of a defendant who has gone to another State?

The Hon. D. A. DUNSTAN: There are alternative means under the uniform Bill, and the attachment of earnings orders will be undertaken in the other States. I do not think it is necessary for us to try to fix some sort of extra-territoriality to our orders, and I doubt whether we can do it. The uniform laws cover it.

Amendments carried.

The CHAIRMAN: New section 96s, "Duties of clerk of court in relation to orders."

The Hon. D. A. DUNSTAN: I move:

In new section 96s to strike out "enforce" and insert "assist in the enforcement of".

The section provided that the clerk of court by whom the maintenance order was made was to take all steps necessary to enforce the order. As the clerk will not necessarily enforce the order, the amendment provides that he shall take all steps necessary for the enforcement of the order.

Amendment carried.

The CHAIRMAN: New section 96t, "Penalty for molesting child contrary to interstate custody order"; new section 96u, "Restriction on publication of reports on affiliation proceedings, etc."; new section 96v, "Recovery of penalties."

Clause as amended passed.

Clauses 46 and 47 passed.

Clause 48—"Enactment of new Division II of Part IIIa of principal Act."

The CHAIRMAN: Subdivision 1, "Interpretation and administration"; new section 99a, "Interpretation"; new section 99b, "Collector of Maintenance, Deputy Collector of Maintenance and Assistant Collectors of Maintenance"; new section 99c, "Powers of collector"; new section 99d, "Protection of

collector''; new section 99da, ''Commencement of Subdivision''; new section 99db, ''Repeals''; new section 99dc, ''Transmission of South Australian orders for enforcement in other States''; new section 99dd, ''Enforcement in this State of orders made in other Australian States.''

Mr. MILLHOUSE: This is the new section containing the reference to the Adelaide Magistrate's Court. There is no court either called the Adelaide Magistrate's Court or known by that name. The Minister's project in this regard has not yet eventuated, and it is wrong to pass a section referring to a court known as the Adelaide Magistrate's Court when one does not exist.

The Hon. D. A. DUNSTAN: No legislation is necessary to change the name, under which the Adelaide Court of Summary Jurisdiction (which is its correct name) is known, from the Adelaide Police Court to the Adelaide Magistrate's Court. All that will be required will be certain directions to be given as to the name used by the court and to the name appearing on the documents of the court. I can assure the honourable member that the administrative changes will be made before this Bill is proclaimed. The Adelaide Court of Summary Jurisdiction which normally sits in the building at No. 1 Angas Street will be called the Adelaide Magistrate's Court; we cannot term it the Adelaide Court of Summary Jurisdiction, because an Adelaide court of summary jurisdiction may sit anywhere in the city of Adelaide.

Mr. MILLHOUSE: I notice the subdivision is to come into operation by proclamation, which could be any time from now until the end of the world. In view of the importance of the change of name, will the Minister indicate when the change from Adelaide Police Court to the Adelaide Magistrate's Court is likely to be effected, both by the re-painting of signs and by the substitution of new forms?

The Hon. D. A. DUNSTAN: No precise date has been fixed, but I assure the honourable member that no delay in the matter will occur.

The CHAIRMAN: New section 99e, ''Collector to notify original State when defendant leaves this State''; new section 99f, ''Application for provisional order of variation''; new section 99g, ''Discharge, suspension or variation of order made in absence of defendant''; new section 99h, ''Law to be applied''; new section 99i, ''Order of variation to be provisional only''; new section 99j, ''Procedure where provisional order remitted by court of other Australian State''; new section 99k, ''Confirmation in this State of provisional orders made in other Australian States.''

Mr. MILLHOUSE: It has been pointed out to me that, under new section 99k, the department may find itself on both sides. Frequently, as the Minister knows (and as he has pointed out in this debate), the department acts for a wife. However, the procedure set out in new section 99k (1) (*a*) would relate to the husband. If the department is already acting for the wife, and if a certified copy of this order comes through, the section provides that the collector shall, on behalf of the party on whose application the provisional order was made in the other Australian State, apply to the court. That means that the collector (the Director under a previous section) is applying on behalf of the husband, and he may well be applying against a wife on whose behalf he is acting. If I am right, this could lead to an administrative problem. Has the Minister considered this matter and, if he has, what is the answer to it?

The Hon. D. A. DUNSTAN: In this matter, if it were necessary to have a separating of interests, then it would be possible for us (as happens in some cases in overseas enforcement of maintenance) to provide somebody from the Crown Law Office to represent the applicant while somebody from the maintenance branch is continuing with his instructions elsewhere. This is the only administrative way in which case we can get over this problem.

Mr. Millhouse: It is not entirely satisfactory, is it?

The Hon. D. A. DUNSTAN: I do not know what suggestion the honourable member can make to overcome the problem. However, I do not think this provision will work inequitably.

The CHAIRMAN: New section 99ka, ''Proceedings for enforcement''; new section 99kb, ''Commencement of subdivision''; new section 99kc, ''Repeals''; new section 99m, ''Transmission of maintenance orders made in this State for enforcement in reciprocating countries''; new section 99n, ''Power to make provisional order against person resident in reciprocating country''; new section 99na, ''Cancellation registration''; new section 99p, ''Registration of overseas orders''; new section 99q, ''Confirmation of provisional orders made overseas''; new section 99r, ''Order enforceable in this State may be sent to another Australian State''; new section 99s, ''Registration of overseas orders registered or confirmed

in another Australian State''; new section 99t, ''Transmission of documents where defendant not in this State''; new section 99u, ''Cancellation of registration''; new section 99v, ''Proceedings for enforcement''; new section 99w, ''Defendant in this State may apply for order of variation''; new section 99x, ''Discharge, suspension or variation of order made in absence of defendant''; new section 99y, ''Law to be applied''; new section 99z, ''Certain orders to be provisional only''; new section 99za, ''Procedure where provisional order remitted by court in reciprocating country''; new section 99zb, ''Confirmation in this State of provisional orders of variation made in reciprocating countries''; new section 99zc, ''Power of Governor to declare reciprocating countries''; new section 99zd, ''Payments to be made to Collector''; new section 99ze, ''Collector to notify changes in orders enforceable in other Australian States or reciprocating countries''; new section 99zf, ''Collector to note changes in orders made or enforceable in South Australia''; new section 99zg, ''Conversion of currency''; new section 99zh, ''Translation of orders and records''; new section 99zi, ''Certificate of payment of arrears''; new section 99zj, ''Evidentiary'' new section 99zk, ''Service of documents''; new section 99zl, ''Audit''; new section 99zm, ''Regulations''.

Clause as amended passed.

Clauses 49 to 53 passed.

Clause 54—''Uncontrolled child how dealt with.''

The Hon. D. N. BROOKMAN: Why is it considered advisable to remove the power of parents to bring a child before the court? I think that, in his explanation, the Minister said that this provision was rarely used and is thought undesirable. Is it not wise to leave it in the legislation in case there is a need for its use? If a child becomes uncontrollable (and there are parents who fail completely to control their children particularly when the parents themselves are inadequate), how is a child to be brought before the court? Should the parents go to the Social Welfare Department and ask it to bring the charge?

The Hon. D. A. DUNSTAN: It is thought extremely undesirable for the future development of any sort of satisfactory relationship between a child and a parent that the parent become a complainant against the child in a court. The proper procedure is that if the parent finds that the child is uncontrollable then he goes to the department and makes a complaint. The department investigates; if it is something that needs to be brought before the court then the department can lay the complaint and a confidential report can be obtained to be given to the court in such a way that the relationship between the parent and the child is not damaged. In this case it is not the parental authority that will be objected to, but the department's authority. There is some possibility in these circumstances for a greater opportunity for mending relationships between parents and children. It was felt strongly by the department on experience of this matter that it was eminently undesirable that a parent should be a complainant against a child before the court.

Clause passed.

Clauses 55 to 59 passed.

Clause 60—''Entry into house or premises for the purpose of arrest of children.''

The Hon. D. A. DUNSTAN: I move:

In subclause (1) after paragraph (*a*) to insert the following new paragraph:

(*aa*) by striking out therefrom the passage ''force, any'' and inserting in lieu thereof the passage ''force or any''.

This is simply a drafting amendment.

Amendment carried.

Clause as amended passed.

Clause 61—''Convicted children to be sent to certain institutions except in special cases.''

The Hon. D. A. DUNSTAN: I move:

In paragraph (*b*) to strike out ''and''; after paragraph (*b*) to insert the following new paragraph:

(*b1*) by striking out therefrom the passage ''and under the special circumstances of the case''; and.

These amendments will make it unnecessary for a court to have regard to special circumstances before committing an uncontrolled child to a reformative institution. The words to be struck out were provided in the case of neglected children but under the Bill neglected children will no longer be committed to reformative institutions, and uncontrolled children may be committed to such institutions only if the court considers that they ought to be so committed. In many cases the fact that a child is uncontrolled should be sufficient to commit him or her to a reformative institution (without regard to special circumstances), if the court thinks fit. Therefore, this will make the court's discretion clearer.

Amendments carried.

Clause as amended passed.

Clauses 62 to 90 passed.

Clause 91—''Apprenticed and placed out children to be visited at least once in four months.''

The Hon. D. N. BROOKMAN: Has the Director authority not to visit children once every four months? Can the Minister assure me that where the Director is satisfied that it is undesirable to visit children every four months he is given discretion in the matter?

The Hon. D. A. DUNSTAN: Mr. Chairman, do I understand that the honourable member is asking whether we will not visit State children regularly?

The Hon. D. N. BROOKMAN: I want to see that the Director does everything necessary under the Act to protect State children. However, there are occasions where many people in the community are not aware that these children are State children, and a certain amount of discretion is required in order to save the children being embarrassed and upset. The suggestion was made to me that sometimes visits have been made unnecessarily. I just want to make sure that the Director will not unnecessarily embarrass children.

The Hon. D. A. DUNSTAN: The aim of the department is to ensure that children are satisfactorily adjusted. When children are under the control of the department, obviously it will be necessary that an officer of the department is able to report periodically that their progress is satisfactory. As soon as it is seen that the child has reached the stage where he does not need the control of the department, we can release him. The Director is obliged to have a visit every four months, because otherwise if something goes wrong then we have not fulfilled our obligation to see that the State child concerned is under the control of the department. We are responsible until the release of the child to see that everything is going along as it should. As a matter of fact, there have been many cases where, because of staffing problems in the department, there have been complaints before the Juvenile Court that officers of the department have not made sufficient visits and there has not been sufficient touch. The aim always is to see that the child is going along satisfactorily and is not embarrassed or hurt by anything the department may do, but obviously it is necessary that while a State child is under the control of the department information must come to the department regularly as to how that child is progressing. We have a number of very good officers in the department whose visits are welcomed by the children. I assure the honourable member that as soon as it is seen that it is possible to release the child from control, that will be done. Regularly almost each week we have a submission from the department that certain children under its control should be released.

Clause passed.

Clauses 92 to 96 passed.

Clause 97—''Establishment of homes.''

The Hon. D. N. BROOKMAN: I move:

In new section 152 (1) to strike out ''Minister'' and insert ''Governor''; after ''Act'' first occurring to insert ''by proclamation''; after ''may'' second occurring to insert ''by proclamation''.

As this matter has been discussed previously, I think these amendments will be acceptable to the Minister.

The Hon. D. A. DUNSTAN: Yes.

Amendments carried.

The Hon. D. N. BROOKMAN moved:

In new section 152 (2) to strike out ''Minister'' and insert ''Governor''.

Amendment carried.

The Hon. D. N. BROOKMAN moved:

In new section 152 (3) to strike out '', on the recommendation of the Minister,''.

Amendment carried.

The Hon. D. N. BROOKMAN moved:

In new section 152 (5) to strike out '', on the recommendation of the Minister,''.

Amendment carried; clause as amended passed.

Clauses 98 to 101 passed.

Clause 102—''*Ex officio* visitors to institutions.''

The Hon. D. N. BROOKMAN: Does this provision mean that members of Parliament may still visit institutions?

The Hon. D. A. DUNSTAN: Yes.

Clause passed.

Clauses 103 and 104 passed.

Clause 105—''No children's home to be kept without a licence.''

The Hon. D. N. BROOKMAN moved:

In new section 162a (2) to strike out ''Minister'' and insert ''Governor''.

Amendment carried; clause as amended passed.

Clauses 106 to 109 passed.

Clause 110—''Restrictions on minding children under 12 years of age.''

Mr. MILLHOUSE: I oppose this clause. This is a new and sweeping power and I remind the Committee of what the Minister said about this clause in his second reading explanation. This is a new power, and a power which could be definitely abused. I refer to the case of a part-Aboriginal boy who was fostered by a family in my district. The

department considered the home was not suitable and withdrew the foster mother's licence. After much trouble, it was possible for the child to remain with the family, although the foster mother's licence was withdrawn and no payments were made for the child. Eventually, because the family was attached to the child, on my advice an application for adoption was made, but this was opposed by the department before the magistrate. However, the magistrate over-ruled the opposition and made the order for adoption. This matter has turned out happily and the family remain together. However, if the Director had this power the child would be taken away. The magistrate over-ruled the department, but this case shows that the department is not omniscient in its views and attitudes. There is no exception to a child boarding privately. There is an exception in the case of a school or hospital, but a child boarded privately could be caught under this provision. This is a new power; it is undesirably wide, and it is one more example of the Director (or the Minister, because their powers are about the same) seizing on to something that probably requires some amelioration, and using that as an excuse to take wide powers. I emphatically protest about this. It is a dangerously wide power that should not be allowed.

The Hon. D. A. DUNSTAN: I think it is desirable to amend the provisions to cope with the objection previously raised by the member for Flinders. However, with great respect to the member for Mitcham, I think the remedy he sought in the case he cited would still be perfectly open. Numbers of cases have occurred in which it has been quite clear that some authority to the department has been necessary to prevent undesirable trafficking, which has become rife elsewhere.

The Hon. D. N. BROOKMAN: The Minister is drafting an amendment to overcome the objection raised by the member for Flinders. However, I point out that we on this side of the Chamber are entitled to question the Bill properly. Only last week in the Australian Labor Party notes in the press I noticed a complaint that we were using delaying tactics, the report stating:

> There is, for example, on the Notice Paper in Committee stages the Maintenance Act Amendment Bill which is of great social importance, and very slow progress is being made.

I should think that at least three-quarters of the amendments to this Bill are being made by the Minister himself, and that is causing much of the delay. I sympathize with the Minister, for this is a complicated Bill, and I see no reason why he should not take his time and, if necessary, make amendments to his own Bill. However, at the same time, I object to our being told that we are using delaying tactics. I support the objection raised by the member for Mitcham; I think the Bill should go further than merely protect the case of a child boarding privately away from its parents. Under paragraph (*c*) a possible escape exists if a person is authorized in writing by the Director to care for a child or to keep the child in his immediate custody. If it were also provided that the Director shall not withhold authority from the applicant, except in the case where he suspects some malpractice, that would remove many objections to the clause. The complete elimination of this clause, in spite of the Director's already wide powers, may still mean that he does not have the ability to stop trafficking in children.

Mr. MILLHOUSE: The word "trafficking" is emotive. The Minister has used it several times in defending this clause, but I notice he did not use it in his second reading explanation, when he said:

> The subject matter of this new provision has concerned the Attorneys-General and the Children's Welfare Departments of the various States, and is proposed as a means of safeguarding individual children who may be living with strangers away from their parents.

That was exactly the same as the case to which I have referred. The Minister's explanation continued:

> There have been instances in most States where young children have been living under most unsatisfactory conditions—

and the department alleged that they were in the case to which I have referred—

> or with unsuitable persons, having been handed over recklessly or capriciously by their parents for fostering or adoption, and in some cases parents have had difficulty in recovering custody of their children.

The clause is too wide and is far wider than I should have thought necessary to deal with whatever the undesirable practices might turn out to be. In the case to which I referred the department was unwilling to co-operate, and I do not believe that if we included the amendment along the lines suggested by the member for Alexandra that the department would have done anything. The child would have been taken away in that case and that would have been wrong and undesirable. We are giving the department power to rule the lives of children who, for perfectly valid reasons, may

be living with strangers with the consent of their parents.

The Hon. G. G. PEARSON: I raised the position of a child boarding so that it could attend school. Many homes are provided throughout the State for this purpose. The headmaster of the Port Lincoln High School asks parents whether they will board country students who wish to attend the school. Hostels are also provided. For example, the Bush Church Aid Society has a girls' hostel at Port Lincoln where about 20 girls stay so that they can attend the Port Lincoln High School. I believe the words "hostel" or "boarding house'' could be inserted in paragraph (*d*) to cover the cases to which I have referred. It is desirable that children be accommodated in church and other hostels. I agree with the member for Mitcham that many decent citizens look after children only out of the goodness of their hearts, and they might be acting illegally under this provision. I shall listen to what the Minister has drafted to see whether it meets the cases to which I have referred.

The Hon. D. A. DUNSTAN: I make the following suggestions to honourable members that may cope with difficulties that they can see. First, I suggest the inclusion of the following new paragraph:

> (*f*) the child is with the permission of his parent or guardian boarding with a person other than a near relative for the purpose of attending school.

That would cover the case raised by the member for Flinders. To deal with the point raised by the member for Mitcham, I suggest the following new subsection:

> (2) An appeal shall lie to the Juvenile Court at Adelaide constituted by a magistrate against a refusal by the Director to grant an authority under paragraph (*c*) of subsection (1) of this section.

This means that the discretion of the Director on this subject is subject to an investigation by the court. The procedure in the appeal can be prescribed by regulation and we have a general regulation-making power under the section. I think this would cope with the objections raised by honourable members.

Mr. MILLHOUSE: I apologize to the Minister for what I said before because he has now demonstrated his good faith by the effort he has put into his amendments. His second amendment overcomes my difficulty to a great extent, although I still do not particularly like the provision. I should like the Minister to add something to the effect that, pending the outcome of the appeal, the child should stay where it is. Otherwise a child could be taken away, an appeal be upheld, and then the people would get the child back again. This could upset the child.

The Hon. D. A. Dunstan: That could be provided by regulation.

Mr. MILLHOUSE: Will the Minister give me an undertaking that he will examine this with a view to providing it by regulation?

The Hon. D. A. Dunstan: Yes.

The Hon. D. N. BROOKMAN: The Minister's amendment improves the position considerably but I should like to move a further amendment. New section 170 (*c*) states:

> The person is authorized in writing by the Director to care for such child or to keep the child in his immediate custody.

I move:

> In new section 170 (*c*) after ''custody'' to insert ''provided that the Director shall not withhold his authority for a person to care for a child or to keep a child in his immediate custody unless he is satisfied that the person is not a fit and proper person to care for such child.''

In other words, a person who is law-abiding and respectable should be given authority without question by the Director. I think it is fair that the authority should be withheld where the Director is satisfied that the person concerned is not a fit and proper person.

The Hon. D. A. DUNSTAN: I am not happy about the honourable member's amendment, because it would limit the ground upon which either the Director or the court could refuse to grant an authority. Let me outline to the honourable member some of the cases which have occurred elsewhere and which this section is designed to prevent. Elsewhere there has grown up (and it is already shown to be happening in Australia) the sale of children. Often the sale is to perfectly proper and respectable people who are unable to have children but are avid to get them. Often those people have not been able to make arrangements through the department for the adoption of a child, so they pay a substantial sum to obtain a child. They may be perfectly fit and proper people, personally, but the fact that they had done something perhaps unwise in paying a sum of money in order to get a child they would love does not make them fit and proper persons to care for a child. In many cases illegitimate children are trafficked in this way. The department handles this at the moment, and illegitimate children in South Australia would remain under the supervision of the department, but that only means that we have power to visit them. We want to ensure that, where children are handed over for somebody else to adopt, normally these

will go through the agency, either through the department directly or through the department acting in conjunction with a recognized social agency, in the way that happens here where certain church agencies make recommendations to the department about certain adoptions. I have already corresponded with the social welfare agencies of the churches on this score. What we must stop is this business of paying over large sums of money and shipping children from one State to another, and the like. It has already happened elsewhere.

Mr. Quirke: Would that be after the child is adopted?

The Hon. D. A. DUNSTAN: No adoption takes place. In effect, they sell the child to somebody else and that person takes the child. Sometimes there are not children available readily for adoption through the various agencies. Let us consider, for instance, the cases where the department gets children who have some medical defect. These children are not usually placed out for adoption until we can find that the circumstances under which they will be living are satisfactory and that their whole medical care is properly catered for in the future. What happens if the trafficking I have mentioned arises? In the United States of America this has been an enormous problem, and we want to avoid it here. There are already incipient signs of this kind of thing developing in Australia, and this is what made the department so anxious. I think the fears of the honourable member are adequately catered for by the granting of an appeal to the Juvenile Court, for the court could go into all the circumstances of the case and if it thinks it proper for the person to have a child in his custody, well, that is that. I think that is a proper safeguard. I ask the honourable member not to press his amendment, because it does create problems that we want to avoid.

The Hon. D. N. BROOKMAN: In the circumstances, Mr. Chairman, I will not press my amendment, and I ask leave to withdraw it.

Leave granted; amendment withdrawn.

The Hon. D. A. DUNSTAN moved:

In new section 170 before ''No person'' to insert ''(1)''; at the end of paragraph (*d*) to strike out ''or''; and at the end of paragraph (*e*) to insert ''or''.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In new section 170 (1) to insert the following new paragraph:

(*f*) the child is with the permission of his parent or guardian boarding with a person other than a near relative for the purpose of attending school.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 170 to insert the following new subsection:

(2) An appeal shall lie to the Juvenile Court at Adelaide constituted by a magistrate against a refusal by the Director to grant an authority under paragraph (*c*) of subsection (1) of this section.

Amendment carried; clause as amended passed.

Clauses 111 to 114 passed.

Clause 115—''Register to be kept by foster parents, etc.''

The Hon. D. N. BROOKMAN: I move:

In paragraph (*a*) to strike out ''section 162a or''.

This provision in the principal Act applies only to licensed foster mothers, but in the Bill the term ''licensed foster mothers'' is changed to ''licensed foster parents'', and further requirements are added under section 162 (*a*). This includes a wide range of homes that are being asked to keep a register with much detail about the child and its parents. It is not unreasonable to expect that this would be kept in many cases, as most organizations would keep the information they consider relevant and, no doubt, would have additional information. It is required that this information be forwarded at least once every six months to the department.

Some church organizations have spoken of their fears in this matter, and want to know why a new provision is required so that this information has to be divulged to the department. I sympathize with these organizations. They are not objecting to the powers of entry and other powers given to the department, but they are objecting to the danger of this confidential information in their possession being handed on to the department. In many cases these children have no connection with departmental affairs. In one home, children are there by agreement with the parents, because of ill health in the family, and the church organization cares for the child until family conditions improve. Why should they have to submit to this provision? Under the Victorian Act they are exempted. A letter from the Chairman of the Board of the Kate Cocks Memorial Home to the Minister (who has already perused it) states:

Dear Sir, The board of the home above-named is concerned with a clause contained in the proposed amendment of the Maintenance Act. We refer to section 175 of the principal Act, C.2—which is No. 115 in the Act to amend the Maintenance Act, 1926-1963. The actual keeping of a register or daily roll is

the only reasonable way of keeping records, and in conjunction with that, a card index should be kept which makes possible the proper keeping of medical records which must be passed on to the parent when the child leaves the home. With this, we are in complete accord. Our objection is to the proposal that, and we quote:

> The licensee shall once at least in every six months forward a copy thereof to the Director and shall whenever so required to do, give to the Director of any officer of the department all such information or particulars within his knowledge relating to any child then or at any time previously in his charge or custody or concerning any near relative or guardian of such child, as the Director or any officer of the department shall require.

We consider that this legislation would involve the homes caring for the children of responsible and respectable parents in a serious breach of confidence. At the Kate Cocks Memorial Babies Home we care for babies under 3 years of age. They are placed by the parent or parents in the home by private arrangement and the details involved are strictly confidential. No home of any responsible standing in the community would feel free, nor right, to divulge these details. No subsidy is received by any home to care for the children whose parents are forced by tragedy to seek their aid, nor does this home seek any subsidy or assistance from the Children's Welfare Department. The only circumstances in which assistance in the care of any one child is sought by the Kate Cocks Memorial Babies Home is when a parent or parents ignore their responsibilities and neglect completely their offspring.

If they are unable to pay anything toward the maintenance of their child or children because of the depth or extent of their misfortune it is never sought, nor asked, nor expected, nor does the board in those circumstances seek assistance by way of subsidy from the Children's Welfare Department. Subsidy is only sought in individual cases, when a parent or parents have proved completely irresponsible or criminally neglectful. As far as the Kate Cocks Memorial Babies Home is concerned, this has been sought in four cases and accepted for two cases of those four cases. When it is realized that we care at any one time for 45 babies, and that the number going through the home in any one year is approximately 175, the percentage for whom Government assistance is received is seen to be less than ½ per cent and, in a specific year, it is generally 0 per cent—for we have only sought it for these four cases (and received it for two cases) in the whole of our 30 years of service to the community.

We are completely agreeable to the register being open to the inspection of the Minister and an officer of the Children's Welfare Department—this has been done for many years. Our objection lies in the proposed legislation which requires us to divulge information given to us privately and confidentially by the parents. It is agreed that circumstances alter cases and that circumstances in any one case can alter in a period of time, but this is not generally so. Of the 3,000 babies under three years of age, who have been placed with our home for care until family conditions allowed their proper and safe return, less than 200 have had to go to another church home caring for older children, and an infinitesimal number have had to be declared State wards. Of the 1,500 who have been in our care during the past 10 years, we can recall five who have been made State wards. These figures surely speak for themselves.

Responsible officers of many years' experience interview parents prior to the entry of any child, and care of the child is undertaken on a private basis. Many parents would be most reluctant to seek badly needed help if they understood that their case, accepted as "private" by a church home, could be investigated by a Government department. Our aim is to assist families through their troubles, to enable the quick or eventual return of a child to its legal and proper parents. We maintain that the clause to which we object allows for the abuse of a parent's rights. Whilst agreeing that this amended clause could have been presented to protect some children, we express objection to a law being passed which makes possible a detailed inquiry by "any officer" of the Children's Welfare Department of any one case with which we have been entrusted. As already stated, we have no objection to investigation of cases requiring same. If the phrase to which we object is only to be applied to the children whose parents have deserted them, then we have no objection, but, unless this is so, we request that the amendment be worded in a way that puts the point beyond question. Yours faithfully, (Sgd.) A. R. Medson, Chairman of the Board and P. E. Bonython, Superintendent.

Allowing for the fact that the writer did not know at the time that the Minister intended to modify this provision, there is still an objection to having information made available. Surely it is sufficient to have power for the Director or an officer to visit the home if he wishes, but the requirement that he should keep these records for the department is unnecessary, particularly bearing in mind that a home is licensed by the Minister in the first place. Roman Catholic church homes are also concerned about the matter, and object to this requirement. I can specify one such home that has done nothing to deserve this requirement's being forced on it. These homes are aware that the Victorian provisions exempt corresponding homes in that State, and they object to having to comply with this clause. The remedy is to strike out section 162a and thereby to remove such licensed homes from this provision. No harm could be done, because the Director has the widest possible powers, in any case. It would simply mean that various church organizations could proceed

and keep their records secure in the knowledge that they would be required only if necessary, at which time the homes would have no objection to divulging certain information.

Mr. QUIRKE: I rise to support, as strongly as I can, the amendment of the member for Alexandra. Whilst the conditions at the institutions of which I know are substantially the same as those set out by the member for Alexandra, I refer in particular to the Roman Catholic homes in South Australia, of which there are many. In any year over 500 children are accommodated in those homes with a permanent quota of about 300. The children are in the institutions for many reasons. Some are there because of some ill rendered to a family that has caused considerable financial difficulty. A mother does not want to give up her children entirely so an institution takes them; she can visit them when she wants to and take them away when she is able to. The family line is preserved in those cases. The people responsible for these homes have a strong objection to the personal files of the children being available to anybody. I know that the amendment of the member for Alexandra will meet the situation because I have conferred with those responsible for the homes.

The Hon. D. A. DUNSTAN: I have some sympathy with the point raised by the member for Alexandra. However, I fear (if I may use what is an inapposite phrase) that he is throwing out the baby with the bath water. The section is mainly directed at those homes which, though licensed, do contain children who, from time to time, need some investigation. This will not be the case with homes that the honourable member referred to such as the Kate Cocks Memorial Babies Home. I do not see any likelihood of investigation there, or at some of the homes with which Father Holland has been concerned. In some other church homes there are placed from time to time children about whom we need to have some information. Sometimes that information needs to go beyond what is on the basic register. The question is how to cope with both classes of home, because we do not separate them in the definition in the Act. I do not see how we are going to manage this.

Later I intend to move so that it will not be necessary to provide a return to the department every six months but only when we feel it is needed. Regarding the powers of investigation, I am prepared to alter the clause to provide that it will be only upon the requisition of the Minister that information can be given to an officer or to the Director of the department. That will mean that it will be the exceptional case that is to be put up to the Minister. Of course, as soon as he is in touch with the welfare organization he will necessarily want to speak to the welfare organization about the matter and will not issue a requisition unless there is some perfectly good reason that he can justify to honourable members in this place. This will cope with the unsatisfactory cases where it is necessary for us to require additional information.

Mr. Quirke: It is an all-embracing clause.

The Hon. D. A. DUNSTAN: As amended, the new subsection would provide not "as the Director or any officer of the department shall require" but "as the Minister shall require". That cuts down to a Ministerial requisition any case for the giving of information other than the return of the ordinary register.

Mr. Quirke: Why should it not be taken to a court?

The Hon. D. A. DUNSTAN: If we were to have a court hearing to gain information about a child we would then have the trouble that we face with investigations of old people. In many of these cases information has to be obtained; a certain amount will be obtained and then it will be felt that more is needed. This has to be an administrative matter; it is not something for a court. After all, the Minister has to justify to Parliament any requisition he makes. What is more, he has to work his department with the voluntary and social welfare agencies in South Australia because the whole of the social welfare provisions will founder unless we have the good will, co-operation and support of social welfare agencies. Naturally, nothing will be done by the Minister to offend the agencies. If it is not something simply done by an officer of the department and the Minister is required to give his requisition then I think this should meet the objections raised by honourable members. I am not happy with the proposed amendment because, although it protects those homes where we would not normally need any requisition and where we would not be requesting confidential information given by the parents, it would cut out our powers to investigate those places where, at times, we need power to investigate. Even though a licence has been given, that does not necessarily mean that all is always well, and that is what we need to be certain about.

The Hon. Sir THOMAS PLAYFORD: I support the amendment. Some of the correspondence quoted was addressed to me. As the honourable member was handling the Bill on

behalf of the Opposition, I passed the correspondence on to him but before I did that I examined it. As a result of that, I believe that under the circumstances a case was clearly made out by the church organizations that they should be left to do the job they have been doing so satisfactorily over many years. They have undertaken this job at great expense, and they have had to raise the money to do it. They do the job for the welfare of the community. Far from satisfying me, the Minister's explanation has made me apprehensive. I understood the Minister to say that some of the church homes required investigation.

The Hon. D. A. Dunstan: I didn't say that: I said that some of the children in some of the church homes required investigation.

The Hon. Sir THOMAS PLAYFORD: I know these homes; there is one in my district, and I know the quality of the work that goes into its upkeep. It is all very well for us to say that the information will be confidential, but no information on public files is ever confidential; everyone who has been associated with public files knows that every day information is in one way or another indiscreetly leaked out, not because there has been any attempt to let the information out, but nevertheless it has been disclosed. Indeed, I suggest that every honourable member hears from day to day matters which would be regarded as confidential. Many of these children are in these homes as a result of some matrimonial problem or stress. The children are put in the home for the sake of their own welfare, and so far as I know nothing but good has ever come out of it. In these circumstances, why are we subjecting these church institutions to rigid control by a Minister? I believe this to be completely unnecessary and undesirable, because it casts a certain question mark against the exercise of the control of the institution, and immediately suggests that unless we have some oversight of the affairs of an institution things might not be so good. I believe the department has plenty to do without interfering with church homes. The amendment is a good one because it excludes church homes from the operation of this provision.

Mr. Casey: Don't you think that under the amendment there could be a flood of people coming into the church organizations if they knew they were not going to be scrutinized?

The Hon. Sir THOMAS PLAYFORD: If the church homes are subjected to this control, many people will refrain from sending children there because they will not want to come under departmental supervision. I strongly support the honourable member's amendment. I believe that church homes could well be exempted from any control or investigation that the Minister has proposed. Unless he can show clearly that there is a specific case where this information is necessary, or where there is something to clear up, I think this falls down in that it is not a remedial clause at all. Unless there is something to remedy, why are we messing around with it?

The Hon. D. A. DUNSTAN: The Leader overlooks two things. First, this clause is not simply designed to provide a surveillance of the authorities of various homes. In most cases, that is not the purpose of the clause. In some cases that come to the department it is necessary for the welfare of the child that the department has a certain amount of information in relation to it. Although it is not normally the case at places such as the Kate Cocks Memorial Home, there are other boys' homes that the Leader will know of where parents have left children with the church institution and then attempts have been made by one parent or the other to get hold of the children—in some cases to kidnap them. That has happened. In cases where it is necessary for the State to take some action to protect the child, it does happen that the State needs some information about the child, and that is not for the purpose of seeing how the church home is run. In an instance known to the Leader there was a case before the court concerning children in which it was extremely difficult to get information. We want to see to it that confidence is maintained and that the confidential relationship between church social agencies and the people who take their children there for assistance is kept. At the same time, in the interests of the child we want it possible for the department to get the information it sometimes needs to have.

With great respect to the honourable member, I think the amendment I suggested will cope with that. His amendment, however, would put us in the position that if a small home had, in fact, been licensed under section 162a and we were not certain of what was going on there, then we would not be getting the information. I could withhold a licence in due course, but what would happen about the children who are there? We ought to be able to find things out in some circumstances. The department is not going to go cantering off down to the Kate Cocks Memorial Home or somewhere like that to conduct an investigation into the running

of the place, because it is obviously satisfactory. However, it is possible under section 162a for small places which are not constituted in that way to get a licence. Are we to have no powers in relation to them? That is what the honourable member's amendment is suggesting. With respect, we have to cover the field that needs to be remedied, and it does need to be remedied. Therefore, this is a remedial provision. I think that if requests for information beyond the register have to be made by the Minister, then this is going to provide a safeguard. It will mean that just any officer of the department cannot turn up and require an investigation; and the Minister, of course, is subject to criticism here on the floor of Parliament, and he has to work with the very agencies about whom the honourable member speaks.

The Hon. Sir THOMAS PLAYFORD: The suggested amendment does go a little way along the line. Although the Minister says it is intended not to look at church homes generally but only at special cases, I point out that the original clause clearly indicated that all homes were to be included in the net. I cannot see in the amendment anything that takes them out of the net.

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

The Hon. D. N. BROOKMAN: I cannot see any need to extend the provisions of this Bill into a new field when in the remainder of the Bill the Minister has such sweeping powers. The homes to which we are referring are homes which, in the case of many children, simply replace the family home for a short time. If the Minister omitted these homes from this requirement, I should consider the section differently. Homes are all licensed, and the Minister has ample power under the Act to discipline any home in the State, and has powers to influence them as he wishes. He is introducing a new power that is not necessary. No reason exists to bring these church homes under the purview of the authorities in this respect.

The Committee divided on the Hon. D. N. Brookman's amendment:

Ayes (17).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (18).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, Ryan, and Walsh.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. D. A. DUNSTAN: I move:

In new subsection (2) to strike out "once at least in every six months forward a copy thereof to the Director and shall".

The effect of this is that the information from the register needs to be forwarded only when the home is required to forward it. A regular return does not have to be made.

Mr. QUIRKE: Does this mean that the information asked for will be general information about the home, or will specific information about a child be required?

The Hon. D. A. DUNSTAN: The register, prescribed in section 175, gives certain limited information concerning each child. That has to be open at all times, and any information from it shall be required to be given to the department when necessary. Further, the licensee is required to give to the Director of any officer of the department "information or particulars within his knowledge relating to any child", etc. That is general information beyond that contained in the register, but for the honourable member's information I intend to strike out "Director or any officer of the department" and insert "Minister" in lieu thereof.

Mr. QUIRKE: That is better. I have no disagreement with the foreshadowed amendment. However, I object to the divulging of particulars which the parents themselves do not wish to disclose or which, in honour bound, the organization thinks it unreasonable to demand. If any specific information about a child is required, if it is only on the demand of the Minister himself and over his signature, and, if that provision is made fixed and inflexible, I shall agree to it.

The Hon. D. A. DUNSTAN: That is intended.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new subsection (2) to strike out "Director or any officer of the department" second occurring and insert "Minister".

Amendment carried; clause as amended passed.

Clauses 116 to 135 passed.

Clause 136—"Enactment of sections 194a and 194b of principal Act."

Mr. MILLHOUSE: Members will see that new section 194a (2) is an onus of proof provision. At one time I thought I should never live to see the day when the present

Minister would introduce clauses of this nature, after the things he said about them over the years. I acknowledge that in some cases (of which this is not one, in my view) it is perhaps necessary, but I point out that this subsection states:

A document purporting to be a statement in writing referred to in subsection (1) of this section shall, in any proceedings under or by virtue of this Act, unless the contrary is shown—

and that is the reverse of the onus of proof—

be deemed without further proof to be such a statement.

I shall concede, in cases where an official document is presented to the court and made by a Government official or some such person, that it may be possible to argue that a reversal of the onus of proof exists, but if we look at subsection (1) we find that it can be a statement on an old piece of paper written out by any employer at all; it can be on the back of a tram ticket, if we like it to be. That is unsatisfactory; no form is prescribed. Further, I fail to see why it is necessary to reverse the onus of proof and to presume that it sets out the earnings of the defendant involved. It is undesirable in any case to do this, and I think it is quite beyond the bounds of desirability to reverse the onus of proof in these circumstances.

The Hon. D. A. DUNSTAN: With great respect to the honourable member, I cannot agree with him that, in this case, we are reversing the onus. What we will do is to admit in evidence a document that would otherwise be, as he knows, inadmissible as hearsay. This is not reversing the onus of proof but simply providing that a note signed by an employer as to the nature of earnings of an employee shall be evidence that those were the earnings of the employee unless somebody comes along and produces evidence that that is not right. The honourable member says that there is a different method of proof. Of course, an employer could attend the court and give evidence on oath. However, instead of doing this we are admitting in evidence documents relating to earnings purporting to be signed by employers. The onus still remains on the prosecution. I cannot see that this is terribly unusual. Most law reformers on the law of evidence (and I have been under fire recently on this score) have been talking about reform of hearsay evidence. I did not think the honourable member would think it necessary for every employer to attend court and give evidence on oath as to the earnings of his employees.

Mr. MILLHOUSE: I must acknowledge that the Minister is partly right. When I used the phrase "reversing the onus of proof" that was looser than it should have been. However, this provision means that any piece of paper can be brought along and used as proof of the facts—I think that is bad. In a matter such as this the evidence should be at least by affidavit. This measure does not provide for a sufficient form of proof on what is an important matter. I would prefer it to be done by oral evidence but I acknowledge the force of some of the Minister's remarks that that could be of great inconvenience and might not always be necessary. This is a shoddy and unsatisfactory way of doing it. I am surprised that the Minister, after all these years in Parliament and after all the things he has said, should now so bow to expediency as to prescribe the method of proof in this form. I register my protest hoping that in due course good sense will prevail and that he will see that this is an unsatisfactory way of doing it.

Clause passed.

Clauses 137 to 148 passed.

New clause 11a—"Issue of summons to husband on application of wife."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

11a. Subsection (3) of section 43 of the principal Act is amended—

(a) by striking out therefrom the word "wife" and inserting in lieu thereof the word "family"; and

(b) by striking out therefrom the word "her" where it first occurs therein and inserting in lieu thereof the passage "the wife's".

The effect of this new clause is to enable a court of summary jurisdiction, when making an order for the periodic payment of a sum by the husband for the maintenance of his wife, to include in that sum an amount reasonably necessary for the support of such of the children of the family as are under her custody and control. Section 43 (3) limits this payment to cases where children of the wife only are in her custody and control. There could be cases where her stepchildren could be left in her custody, and this amendment will enable a court to take such a case into consideration.

New clause inserted.

New clause 121a—"When officer of the department compellable to give evidence or produce document."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

121a. The following section is enacted and inserted in the principal Act after section 180 thereof:

180a. No officer of the department shall, at the hearing of any proceedings before a court, be compellable to give evidence, or produce any document in the custody of the department, relating to any matter which has come to his knowledge by reason of his duties as such officer except—

(a) where such evidence or document relates specifically to the payment or non-payment of maintenance or relief to or by the department or any officer of the department; or

(b) where such evidence relates to, or such document constitutes, correspondence between the department or an officer of the department and any of the parties to the proceedings who is not represented by an officer of the department; or

(c) where such evidence or document relates to any matter which has come to his knowledge by reason of his duties as a probation officer under whose supervision a child had been or has been placed.

I explained previously the reason for this proposal: to put the department in dealing with maintenance cases in the same position as solicitors who have to be given instructions. Unfortunately, the practice grew up after the introduction of this Bill of issuing a subpoena to the Chairman of the board to appear in the court to give information not only which he did not have in his own custody or knowledge but information which was confidential information supplied to the department in the course of giving instructions to the department for legal process. This, of course, would place the department in an impossible position. Therefore, it was desired to give a privilege to the officers of the department except where it was necessary for the department's records to be produced to the court (and proof of maintenance cases on a number of occasions had to be produced) or where the evidence related to correspondence between the department and the parties concerned who were not represented by the department. A further point, of course, arises here. We did not intend, in providing this privilege against being subpoenaed to give evidence, to extend it to probation officers in relation to the work that they did concerning their probationers. Obviously enough, there will be some cases where it will be useful to call a probation officer into court to give evidence about his probationer. It is proper that that officer should give that evidence. Therefore, I have put the altered amendment in this afternoon to cover that exception also. In consequence, I think the amendment will be clear to honourable members.

New clause inserted.

The Schedule.

The Hon. D. A. DUNSTAN: I move:

After "Children's Protection Act, 1936-1961" to insert:

Criminal Law Consolidation Act, 1935-1957	Criminal Law Consolidation Act, 1935-1965	Section 77 is amended by striking out from subsection (7) thereof the passage "reformatory school or kept in the custody and under the control of the Children's Welfare and Public Relief Board pursuant to the Maintenance Act, 1926-1937," and inserting in lieu thereof the passage "reformative institution as defined in the Social Welfare Act, 1926-1965, or ordered to be under the control of the Minister of Social Welfare pursuant to that Act or any other Act". Section 77a is amended by striking out from paragraph (d) of subsection (8) thereof the passage "Maintenance Act, 1926-1937," and inserting in lieu thereof the passage "Social Welfare Act, 1926-1965".

The amendments to the Criminal Law Consolidation Act are consequential on the amendments made by the Bill.

Schedule as amended passed.

Title passed.

Bill reported with amendments.

Later:

Bill recommitted.

Clause 23—"Provision for blood tests"—reconsidered.

Mr. MILLHOUSE: I move:

At the end of new section 61a (13) to insert "but the court shall on the application of the complainant or the defendant, or may of its own motion, order the medical practitioner or the pathologist to attend as a witness in the proceedings and may examine him or allow him to be examined on such issues relating to the blood test and in such manner as the court thinks necessary and proper in the interests of justice."

This is the clause which the Minister undertook to recommit because when we were discussing it the other day members on this side raised the point about the pathologist's certificate and I said that it might be desirable in certain circumstances for the pathologist to be called to give evidence rather than that it simply be proved by certificate. We could not at that time work out an amendment that was entirely satisfactory and acceptable, and the purpose of the recommittal is to insert the amendment, which I think is acceptable to the Minister. It is not in the form in which it has been printed. What happened was that one of the Parliamentary Draftsmen, if I can mention this fact without trespassing—

The CHAIRMAN: The honourable member knows that in view of the earlier debate this session mention of the Parliamentary Draftsman is out of order.

Mr. MILLHOUSE: Then I will put it this way, Mr. Chairman: the amendment was drafted without my seeing it and did not exactly carry out what I had in mind, but with a couple of amendments to the amendment as drafted I think it meets the case. It means that either of the parties may require the pathologist to give evidence, in which case he shall come, or the court itself may require him to come.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

Adjourned debate on second reading.

(Continued from October 12. Page 2055.)

Mr. COUMBE (Torrens): At the outset I concede that the principle of the Bill is a worthy one. However, some of the provisions and the details contained in the Bill worry me because of their scope and application. In fact, some of the definitions seem to be rather loose and wide. Some clauses will need much close scrutiny, and much re-thinking will be necessary. I believe that members opposite will appreciate some of the points that I hope to bring out either now or in Committee.

The principle of this Bill must be good if its main purpose is to provide for greater safety either for the workmen engaged in the industry or for the people who are going to use or operate the appliances, the machinery, and the plant connected with the electric supply undertaking. If this principle is to promote greater safety and to save lives, then there is a great deal of merit in it. If it is to raise the standards of workmanship and improve the quality of the work that is undertaken, then it must receive the support of this House. I know that this State is the only State in the Commonwealth that does not require the licensing of electricians, and I also appreciate that before a person can undertake plumbing work in this State he must hold a master plumber's licence. Therefore, there is a good case for supporting a Bill that provides for the control and licensing of those engaged in electrical work and those undertaking electrical installation work.

Some clauses worry me, not only because they go too far but because I believe they do not entirely achieve the desired purpose. Some clauses would be difficult to operate because they are ambiguous. It is ironical to remember that Commonwealth statistics of accidents caused by electrical causes indicate that this State has probably the lowest accident rate a head of population in the Commonwealth, although South Australia is the only State not requiring the licensing of electricians. Probably most accidents caused by faulty workmanship, and not carelessness in handling appliances, resulted from work by tradesmen who would qualify almost automatically as holders of a licence under this Bill.

Anything we can do to lower the accident rate in this State has my full support, but even the provisions of this Bill do not necessarily mean that we will prevent all accidents caused by electrical faults. This Bill will not stop many people from carrying out electrical work in their houses. The definitions seem rather wide. I know that the member for Semaphore with his wide knowledge of this industry will agree that some definitions have wide meanings. Definitions in the Bill do not agree with all definitions obtaining in the various States, nor do they coincide with the Standards Association of Australia code of wiring, which goes much further. There seems to be no uniformity between the States. I should have thought that the Government would have included some of the definitions contained in the code. Under the legislation the householder cannot undertake minor repairs and adjustments within his house: he can only replace a globe or change a fuse. These are commonsense exemptions as the average householder can do this work.

The Hon. B. H. Teusner: Many householders are more competent than electricians.

Mr. Langley: That's not correct.

Mr. COUMBE: We all know it is possible to get a shock from a lampholder when replacing a globe. If a person with an extension lead desires to replace the plug on the lead (a simple operation), under this Bill he is prohibited from doing so. He is forced to leave the appliance and ring for an electrician to repair the appliance. As there will be much work for professional electricians under this Bill, they may be swamped with work, and the householder will have to wait until an electrician is available. Naturally, a service fee must be paid. At present, in the metropolitan area and elsewhere many firms undertake repair work, but before they come they say they will charge a service fee which, in many cases, is a minimum of £2 2s. Added to this is a charge for time and mileage, so that to replace a simple plug on an extension lead may cost £3 10s. I am not reflecting on the ability of electrical contractors, but most householders will do the job themselves, as they have done in the past. However desirable this measure may be, these provisions will not work in some cases, and will tend to defeat the objects of the Bill. Indeed, if it is as desirable as the Minister says it is, then the clauses should be so worded that they will work efficiently and not drive people to break the law inadvertently. Some of the clauses seem rather sweeping, and need much re-thinking. I suppose that if we are honest with ourselves, not one honourable member has not at some time or another carried out minor repairs in his own house, and will probably continue to carry them out even if this Bill is passed.

Mr. Ryan: I won't break the law!

Mr. Corcoran: Does the Road Traffic Act mean that nobody on the road breaks the law?

Mr. COUMBE: Nobody should be encouraged to break the law, and that is why I say that the provisions of this Bill require some re-thinking. Clause 9 provides that it shall not be unlawful for an electrical worker to carry out business as an electrical contractor provided he has an electrical worker's licence. This seems to be completely contrary to the provisions contained in clause 6 (1) (*a*) and (*b*), which provisions make it clear that an electrical worker's licence shall not entitle a holder to carry out electrical contracting work. Clause 9 obviates the necessity of obtaining a contractor's licence, and enables an employee (that is, a person holding a worker's licence) to do the work of an electrical contractor without going to the trouble of establishing his *bona fides* as a person capable of carrying out the work of an electrical contractor, who can accept the responsibility that goes with that work.

This provision seems to have gone haywire, because clause 9 (5) provides that it shall not be unlawful "for an electrical worker to carry on business or advertise or otherwise hold himself out as an electrical contractor or to perform or carry out any electrical work for profit or reward or to offer or undertake to perform or carry on that work." In essence, it means that it will not be unlawful for an electrical worker who obtains a licence as such (and not a licence as an electrical contractor, as provided in the Bill) to advertise himself as an electrical contractor. He is having it both ways, yet the Bill earlier distinguishes between these two categories.

I do not know what the contractors think about this provision. I assume that, if a person holds an electrical contractor's licence and sets himself up in business, establishing plant and advertising himself as a person willing and able to undertake electrical installations and repair work, he must accept the responsibilities that go with such an undertaking. I assume that he would have to be registered under the Registration of Business Names Act and that his factory, too, would have to be registered. He would have to be available to the public most of the time, and would be on tap to undertake work if required. He would have certain overheads to meet, and would have to be of a certain financial standing to undertake this work.

However, we find that the person who does not need to have this electrical contractor's licence, but merely a worker's licence, can advertise himself and carry out this work, whereas earlier in the Bill that right is refused. This clause should be closely examined. Electrical tradesmen expressed concern to me when the Bill was introduced that their ability to earn a few extra pounds at the weekend or after hours may be denied. Many tradesmen borrow tools and equipment from their employers to undertake work for friends or other people. Such practices are important in these days when everybody is trying to get a little more overtime to meet his hire-purchase commitments. Many contractors are willing to assist their employees in this way, and it will be interesting to see whether this practice continues.

I heard of a recent case of a trusted employee who was building his own house, had a friend help him with the cementing, and

intended to do his own wiring. The understanding was that, when he built his house, the friend would do the cementing work and the electrician would do the wiring for the friend. That is a reciprocal arrangement and we know it goes on in other trades, but I doubt whether it can be carried on under the present Bill. I suggest that a simple way of solving these problems would be to delete a few of the words. This subclause could easily be amended to read:

> It shall not be unlawful for an electrical worker to perform or carry out any electrical work for profit or reward.

That would cut out the matter of advertising and might meet the objections raised. I have examined the Statutes in other States and only in New South Wales does this subclause appear. I am told that much trouble has arisen in New South Wales because of the thousands of people who, originally licensed as electrical workers, are practising as part-time contractors. This provision has led to much instability in the industry there and to much distrust of the capabilities, efficiency and workmanship of many electricians and contractors. If we are to have a Bill setting out to license electricians let us do it properly so that the men licensed in their various categories are completely covered and are given the best possible status in their various classifications. We do not want to leave the door open so that various classifications can be abused.

The Bill is designed to license those who do contracting work. A contractor has a great responsibility to the general public ethically, professionally and financially, and he is obliged to give the best possible service. Clause 9 (7) refers to the business of a retailer or wholesaler of electrical appliances. It provides that it shall not be unlawful for any worker not holding an electrical worker's licence to carry out repair work on any appliance. Reference is made to a manager or foreman holding a licence but the subclause specifically exempts workmen in these factories from holding a licence. Therefore, in any wholesale or retail shop where appliances are being assembled or repaired for resale, an unlicensed man can work on those appliances, which can then be sold to the public. Up to this point in the Bill its provisions elaborately show that certain work shall not be carried out by unlicensed persons, and yet this subclause deals with one of the greatest causes of domestic accidents—faulty appliances.

Faults can occur in electric irons, toasters, or radiators. If these articles are sent to contractors it is to be expected that they will be repaired efficiently. Where wholesalers or retailers are assembling or repairing appliances for resale (and they are over 40 volts—most of them are 240 volts) an unlicensed man can carry out the work. I do not care that the provision provides that a manager or foreman shall hold a licence: I defy that man to personally check the work of every unlicensed worker in the factory. This is a glaring weakness in the Bill, and I mention it to see whether an improvement cannot be made. The South Australian wiring rule definition of an appliance states:

> An appliance shall mean a consuming device other than a lamp in which electricity is converted into heat, motion or any other form of energy or is substantially changed in its electrical character.

Under the provisions of the Bill an appliance may be repaired and resold by a person not holding a licence. This appliance can then go into a household where a housewife or child (in all innocence and confidence) may touch it, and it may be faulty. This could lead to much danger to the public and a loss of confidence in the electrical trade.

Provision is included for regulations to be made and there is a licensing authority to be conducted by a committee under the auspices of the Electricity Trust and comprising representatives from various walks of life—representatives of the Minister of Works, the Minister of Education, the Electricity Trust, the Electrical Trades Union, and the Electrical Contractors Association. This is a pretty representative type of board. It will conduct examinations, issue licences and, I presume, repeal licences when that is warranted. Of course, these regulations (which we will not see until later) will contain clauses that set out various classes of licence. We are now talking about the two major classifications: a licence for an electrical worker and a licence for an electrical contractor. In most of the other States, however, there are at least four classifications dealing with the various grades of proficiency. Obviously an apprentice would not be entitled to an electrical worker's licence, which I presume would go only to a tradesman. That is one classification. It will be necessary to bring in licences with shades of difference to cover radio workers, certain television repair men, instrument makers, research workers, teachers in schools and so on. Does this mean that a teacher in a school who may be doing work other than on an appliance will have to have an appropriate licence?

In some ways we are a little in the dark because we do not know at this stage what form these regulations will take, and we shall have to wait until they are brought into this House at some future date. I have already mentioned the examples of a doctor using special appliances, a teacher, and a research worker at the university. Does the research worker need an electrical worker's licence? I do not mean when he is doing work on the room side of the socket or the outlet. Some of these men work on a switchboard. Is it necessary for them to have a licence? I raise this question in the hope that it will be answered in Committee and so that we can get a better Bill. As I said, there is a wide cover in the Bill, and it seems to me to be rather too wide. I have not yet touched on the case of the rural worker who carries out his own repairs on his farm.

Mr. Quirke: You need not worry about him; he will still do it.

Mr. COUMBE: The member for Burra never said a truer word. With all the provisions of this Bill, the average householder will still carry out his own work and will not say a word about it.

Mr. Langley: We would not need policemen if everybody obeyed the law.

Mr. COUMBE: Is the member for Unley going to have a detective looking in every window? This Bill specifically prohibits certain types of work being done and sets out certain grades of licence. If we are to have these provisions, let us have a first-rate Bill that covers all these categories efficiently and properly, not one that is full of loopholes that will lead to abuses necessitating its coming up for further amendment later. Although I agree that the principle of this Bill is correct, I believe that many of its clauses are wrong because they are loosely drawn and too wide.

Mr. HURST (Semaphore): I support the Bill, and commend the Government for introducing this long-awaited legislation. What the member for Torrens said makes one realize the need for such a measure to protect the people in this State. One of his most illuminating points was his attempt to justify the right of householders to do minor repairs and installations within the house. He then said that he doubted the quality of appliances made by factory workers who were working under strict supervision. That is not a logical approach to this question. Everyone realizes that industrial accidents represent one of the greatest costs to society today, and greater attention must be given to this matter. Although we cannot agree that the previous Government did everything practical on safety lines, at least in the last two or three years some honest attempts have been made to improve and encourage employers to take a greater interest in the safety of workers. The cost to industry and to society of industrial accidents is far greater than is the cost of industrial disputes.

Within this wide ambit of safety in industry is the important question of the licensing of electricians. Fatal accidents can occur and some have. I do not agree that South Australia's record in electrical accidents is better than the record anywhere else in the Commonwealth. The member for Torrens cannot substantiate the figures because, when they are compared, South Australia's rate is higher. During the years of 1957 and 1961 two fatal accidents occurred in Australia as a result of installation wiring faults, and both occurred in this State. Recent authentic figures prove that per capita the South Australian record is one which is not altogether pleasing. One reason is because every Tom, Dick and Harry has been able to carry out electrical installations in this State.

Mr. Freebairn: In the two fatalities was the wiring done by a licensed electrician?

Mr. HURST: The honourable member would not know what a qualified electrician was. Anyone has been able to perform electrical installations with the approval of honourable members opposite. As a result of the shortage of tradesmen in Australia, particularly in South Australia, it has been necessary to obtain tradesmen from other countries, and the standard in those countries does not conform with that here. In South Australia the standards observed are set down in the S.A.A. wiring code approved by a competent body after consultation to ensure maximum safety of installation. Victoria does not observe this code, but at least it uses the code as a guide. People have come here and attempted to get work in industry without satisfactory qualifications, and many employers have refused to employ them. These employers were safety-conscious and realized that men without ability and knowledge of the regulations should not be employed, as they would prejudice the safe work of other employees in the factory. Many people who could not get work set themselves up in business. I have seen contractors who could not speak English. Every new installation is tested by an installation inspector before being connected, but where installations already exist, although the householder has to

notify in respect of any extensions, we all know that thousands of extensions are not notified. These may have been done by incompetent people who have not served an apprenticeship, and many householders are sitting on the edge of death without realizing it. It is surprising that there are not more fatalities in this State.

Mr. Freebairn: What qualifications are you looking for?

Mr. HURST: A tradesman has been defined by Act of Parliament. Ever since the dilution regulations, a Commonwealth Act known as the Tradesmen's Rights Regulation Act, which defines a tradesman—

The Hon. D. N. Brookman: Is a language test provided?

Mr. HURST: Before a person became a tradesman, under that Act a committee representing the Chamber of Manufactures, the trade union and the Commonwealth Government could administer that test, first as the central body in Canberra, and then as a committee in the various States. One of the prerequisites to obtaining a tradesman's rights certificate is that a person should be able to speak English and to understand instructions.

The Hon. D. N. Brookman: Does that apply to people working in the industry now?

Mr. HURST: I am not applying it; I am a member of Parliament. Plenty of competent electrical tradesmen employed in the industry have a knowledge of the relevant legislation and standards which have been fixed on a Commonwealth basis, and which have been completely ignored by the previous Liberal Government. In other States it is a pre-requisite to obtaining a tradesman's rights certificate that an examination be passed. In South Australia, while it is not written into the legislation, a person must have served an apprenticeship equivalent to that of an ordinary tradesman, before he can receive a certificate from a competent committee.

Mr. Freebairn: Surely, he should pass a technical school examination?

Mr. HURST: This is a relic inherited through the apathy of the previous Government, which must accept full responsibility for the incompetency to which members of the other side have referred. The Opposition has always opposed setting down some standard, and has refused to introduce a Bill to license electricians. With the advent of time and the advocacy of the trade union movement on the boards concerned, a standard has been introduced, and before a person can obtain a certificate it is necessary for him to pass trade school examinations. If he does not reach the required standard he is required to attend school until he obtains a certificate. South Australian contractors have been accused of being of a low standard and inferior to their counterparts in other States. Although the standard may be low in some respects, we still have competent electricians.

Indeed, the Bill does not seek to deprive a competent person of obtaining a livelihood. Its purpose is to effect a saving in the industry. Consideration will be given to a person who has the ability and a knowledge of the regulations. The member for Light said that incompetent tradesmen could do installation work, but any butcher, baker or candlestickmaker can advertise himself as an electrical contractor. Not so long ago I visited a person whose electrical appliance had been sent away for a three-pin plug to be connected to the cord. When the appliance was returned and switched on it would not work. Fortunately, for the woman using the appliance she had not her hand at a tap or in an earth situation; it would have been instantaneous death if she had, because the red wire was connected to the earth.

Mr. Jennings: You saved her life!

Mr. HURST: Yes, and possibly the life of whomsoever may have gone to her rescue. I have seen installations that are a disgrace. Many people are performing cheap and faulty work at the weekends; their installations jeopardize not only the householder but other tradesmen as well—tradesmen who know that certain regulations must be complied with. Much strain is at present placed on our competent tradesmen, who spend much of their time checking the work of incompetents. This, of course, adds to the client's costs in the long run.

It is for the householder's own protection that he be deprived of the right to do his own electrical work in the house. This is a responsible Government, and it is the obligation of any Government to legislate to prevent people from committing suicide. The member for Torrens has illustrated that he knows little about the relevant regulations. Even those honourable members who have little knowledge of the industry realize the folly of some of his remarks. The Bill is designed to protect householders and workers. The introduction of the Bill is highlighted by the extensions made particularly in rural centres. About 30 years ago the average household would have had only one power point but today there is no end to the number of power points or to the

number of electrical—appliances used by ordinary householders. The more appliances put into a house the greater the care that should be exercised. In 1963, there were 14,536 additional installations connected in South Australia; in 1964 there were 14,434 additional installations; and in 1965 there were 15,869 additional installations.

Mention was made of installation inspectors. Honourable members opposite may ask why licensing inspectors are needed when installation inspectors are available. Let us take the case of a builder. It is physically impossible for the Electricity Trust or any other supplying authority to employ sufficient inspectors to check all installations. The Bill is designed to ensure that there will be competent tradesmen. Overall tests will still be made of buildings. However, it is not the overall picture that gives the result: it is what happens in between. If a tradesman has been trained to do his job neatly and safely, that is the assurance that no inferior work will be covered up so that it will pass the installation inspector.

Mr. Shannon: Do you still want a licensing inspector?

Mr. HURST: He must be provided otherwise there would be no sense in giving the committee set up by the Bill the right to take licences away. We still have to have inspectors but it is physically impossible for them to thoroughly inspect all the installations taking place nowadays. This is where the "fly by night" people do inferior work and get away with it. Those people are being held up against those who are competent and who believe in doing a safe job for the public good. About two or three years ago when I was Secretary of the Electrical Trades Union I received a telephone call from a disgruntled client who wanted action. She had a serious complaint. She had a new house and had hired a so-called electrical contractor to wire it. He told her that the job was complete and she paid him £83. She then rang the Electricity Trust and said that the house was ready to have the power supplied, but when the inspector had checked the overall installation it was found that there was not a wire in the house. This smart boy had screwed in a few switches, mounted the architraves and so on, and the woman had thought the wiring was completed. This Bill will stop this sort of thing. The people who get a licence will realize that it can be taken away and that their livelihood depends on it, and these men will provide a good service.

The member for Torrens talked about appliances. The statistics show that there are many accidents and that potential hazards continue after an appliance leaves the socket. This is part and parcel of the trade. If the Bill did not cover these aspects it would be a waste of time because it would not be affording to the people of South Australia the safety precautions that it is designed to afford them. The member for Torrens said that most accidents caused by faulty workmanship would have been caused by tradesmen who would qualify for a licence under this Bill. That is a ridiculous statement because there has been no such system. The member for Torrens would not know what a qualified electrician was. The honourable member referred to some of the definitions coming within the South Australian wiring rules, which is a code providing for safety precautions to be observed, and which does not define tradesmen. The rules are not provided to define electrical tradesman but to draft regulations so that tradesmen may try to conform to them.

Mr. Coumbe: I was referring to an electrical installation—not to licensing.

Mr. HURST: I may be a little dumb but I found it difficult to know just what the honourable member was referring to at times. He referred to clause 9, and I shall speak about this because it is necessary for honourable members opposite to know just what the position is. The honourable member said that an electrical worker could carry out electrical contract work if he had a licence. Then he went on to describe a contractor. Under this Bill an electrical contractor must have a licence, and a competent tradesman must have a licence, too. It is competent under this Bill for a tradesman to do contracting work on his own, but if a contractor is not a qualified tradesman it is not competent for that contractor to perform that work. That is logical.

The honourable member for Torrens also referred to an ordinary electrician doing a weekend job. I want to tell honourable members opposite that I commend the Parliamentary Draftsman for the way in which this Bill was drafted, having regard to industrial law. About 18 months ago there was a clean-up of these alleged electrical contractors in South Australia. I do not refer to those firms which have been reputable and well known over a number of years and affiliated with the Metal Trades Association and the Chamber of Manufactures. The Electrical Trades Union had to serve 764 persons in South Australia with a log of claims to create a dispute in

the Commonwealth court to ensure that there was proper coverage. This clearly illustrates the number of one-man shows that operate in this State. It is an astounding number, one that some people would find hard to believe.

Mr. Hall: You don't agree that they should operate!

Mr. HURST: This Bill is not designed to take any competent person's livelihood away from him. If someone is in a one-man show and he is contracting he should not have his livelihood taken away, and indeed, if an attempt were made to do that, the people of South Australia would be rightly hostile, because they would not be able to get jobs done. When a man employs other men he becomes a contractor, but there are numerous one-man contractors. Some people may oppose this question. I can tell the member for Torrens that whether I like it or not there are Commonwealth awards and within those awards (which are binding on these persons) there is provision for piece work. I reserve my right to express my own views on piece work and subcontract work, but one must have regard to Commonwealth law, and anyone with any experience knows that a State Act is null and void where a Commonwealth Act prevails. While there is provision in Commonwealth awards giving the right for people to undertake piece work, it is not competent for any Government which knows industrial conditions to take away the rights from those individuals to earn their livelihood. I know that more will be said about this clause later on.

I said at the outset that I commend the draftsman and the people responsible for this Bill, because it is well drafted, when we consider the different Acts that had to be considered. What is the use of introducing something merely as a blanket that would not be effective? We must have something that will be effective, and this Bill will provide for that situation. It will show to the people of South Australia that the Government is at least ensuring that there are qualified people who are going to do the job. No-one will claim for one minute that this legislation will be 100 per cent effective right from the start. It will take many months of hard work by the committee responsible under the provision for administering this legislation to iron out all the wrinkles that will arise. However, I am sure that the members of the committee are mindful of all these wrinkles, because the provisions of the Bill clearly set out the position.

Some reference was made to the fact that New South Wales was the only other State where an ordinary electrical worker was permitted to do contract work. I think everyone knows that New South Wales is a highly industrialized State, and the authorities there know the position regarding Commonwealth awards. I can tell the member for Torrens that in Queensland there is a difference in the licensing provisions. Regarding installations, Queensland by and large is covered by State awards, and licensing has been prescribed for many years. Consequently, the situation is entirely different there. In fact, in that State linesmen have to be licensed to perform their work, and different grades of licence are issued to linesmen. In South Australia we have not touched on the licensing of linesmen because generally a linesman's job finishes at the point of connection with a house and does not include the ordinary installation. In addition, those men are under the strict supervision of competent and trained people who can ensure that at least the little electrical installation they do is in accordance with the rules.

Mr. Hall: Does Queensland license appliances?

Mr. Langley: Yes.

Mr. HURST: I know that the member for Gouger is concerned about the question of appliances. For years there has been what is known as an approvals committee, which represents manufacturers and members of the Fire and Accident Underwriters Association. Legislation is being introduced in this House (and some was introduced by the previous Government) giving statutory authority to that committee. Before an electrical appliance can be put on the market it must have the approval of that committee, which has branches in every State. Those branches have reciprocal arrangements because they work to a standard set of regulations, and their standard tests on appliances are carried out by competent men in accordance with the specifications set down. Once an applicance is accepted in one State, there is a reciprocal arrangement that it will be accepted in the others.

If it were possible to have regular and effective inspections, I would support every inch of this measure to ensure that more rigid inspection of appliances took place. Once a manufacturer has approval under the S.A.A. wiring rules, that is approval for the design. The legislation does not prescribe continued inspection or testing of every appliance, and I agree that there is a little weakness there. However, we must not let one weakness deter

us from approving a major progressive step. I believe that the introduction of this Bill in this State will to a large extent be the basis of some reciprocal arrangement being made through the approvals committee for dealing with this question.

I hope the member for Torrens has got my point: it is competent to manufacture in Victoria and sell in South Australia, provided that the commodity conforms with the rules of the approvals committee. Unless every State had a similar provision to ensure that appliances are tested and inspected, this legislation would not be effective and would place South Australian manufacturers at a disadvantage. With licensing established here, we now have an authority that can consider the position.

Commonwealth awards provide for contract weekend work, dozens of contractors working on their own (and some employing labour) who are equipped and competent to do the job. Under the Bill, it is competent for the special committee to deal with the apprentice position, and everyone knows it is not the Government's intention to deprive any person of a livelihood. The purpose of this Bill is to provide safety for householders, for industry and for property. Apprentices will do work, and this is provided for. The Government is also mindful that there may be circumstances, particularly in a remote area, where a tradesman is not available. It is not the Government's intention to deprive anyone—

Mr. Heaslip: That is what you are doing.

Mr. HURST: We want to ensure that the power for the member for Rocky River is installed in accordance with the S.A.A. Code. I am sure that this is a measure that the honourable member will appreciate as time goes by. When I represented an organization, we often met the Leader (who was then the Premier) and tried to persuade him to introduce this type of measure. He argued that anyone could do this work, but once he said that he received a shock after tinkering with a power point, and that perhaps he was changing his mind. Over the last 10 years in South Australia there have been 61 fatalities as a result of electrical accidents, and the Government has a responsibility to ensure that people are not put in jeopardy because of faulty installation of electrical work. Any responsible Government, knowing that persons are attempting to do inferior work, has a responsibility to society to introduce measures to prevent that happening.

In 1945, 720 kilowatt-hours of electricity was used, whereas 3,080 k.w.-h. was used in 1965, indicating the continued increase in consumption of power in this State. Once the winter months were considered to be the time in which most power was used, but because more electrical appliances are in use and because of air-conditioning units, it is now found that at times during the summer practically as much electricity is used as in the winter months. I have much pleasure in supporting the Bill, the clauses of which are constructive and sound, and adequately cover the situation.

Mr. HALL secured the adjournment of the debate.

EXCESSIVE RENTS ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Excessive Rents Act, 1962. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

It amends the Excessive Rents Act, 1962, and its chief purpose is to prevent evasions of the principal Act and of the Housing Improvement Act, 1940-1961, by the owners of substandard houses. Both these Acts provide for a scheme of rent control, but the practice has grown up of owners of substandard houses requiring their tenants "to sign agreements for sale and purchase", thereby placing the transaction outside the purview of each of the two Acts. Such agreements really amount to a letting under another name, as the "purchasers" would be most unlikely ever to be in a position to complete purchase. Such agreements have recently come to the notice of the Housing Trust. Many of these agreements affect small cottages and contain conditions that are particularly onerous on the purchaser. For example, although these houses are invariably substandard within the meaning of the Housing Improvement Act and, as such, are proper subjects for action by a local board of health, the purchaser is nevertheless under the terms of the agreement obliged to carry out any order of a local board or other authority.

Further, the purchaser is required to paint and keep in good order a house which is, in fact, in a very dilapidated condition. The agreements in question provide for a purchase price of £2,000 with weekly payments of about £6 plus the payment of rates and taxes by the purchaser for about 4 years, leaving a substantial sum (about £750) at the end of

this period. The purchaser will almost inevitably be unable to pay this sum and, if he defaults on the agreement, he leaves the owner in possession of the property and the substantial rents paid over the period are forfeited. Clause 7 of the Bill inserts new sections 15a and 15b in the principal Act. New section 15a will enable such a "purchaser" to apply to a local court for an order setting aside the agreement for sale and purchase. It will be observed by honourable members that the Housing Trust has, in addition to the purchaser, the right to apply to the local court for an order granting relief to a purchaser from his obligation under the agreement. Such a provision is considered desirable, since in many cases the purchaser, because of his limited means, lack of knowledge of his legal rights, or perhaps because of intimidation by the owner, cannot or will not make the application himself.

An order under this section may be made if the court is satisfied that the agreement is an attempt to evade the operation of the principal Act, or of the Housing Improvement Act, or that it is harsh or unconscionable. The court may also order an account and impose on the parties any terms and conditions it sees fit (subsection (3) of the new section). Thus, unless the justice of the case otherwise demands, the court will ensure that the purchaser may continue in occupation (subsections (4) and (5)) for the remainder of the term of the agreement for sale and purchase, or for such lesser period as the court determines. Subsection (4) (*b*) provides that, in an appropriate case, the owner may be ordered to repay to the purchaser at the end of such occupation (which may be described as a statutory tenancy) any surplus he has built up by paying under the agreement sums in excess of what the court considers would have been a fair rent.

The rent for the statutory tenancy will be fixed by the court, having regard to all the matters specified in section 8 of the principal Act, and to all sums paid by the purchaser and the owner, pursuant to the agreement (subsection (3)). The other terms and conditions of the statutory tenancy will be determined by the court in such manner as it thinks fit (subsection 4 (*a*)). Subsection (5) provides that the purchaser shall not, by virtue of an order made under this section, be entitled to remain in occupation of the house for a period longer than that stated in the agreement. Subsection (6) makes it clear that when the court makes an order under subsection (4) (*a*) the terms and conditions as determined by the court shall be binding on the owner and purchaser, and may be enforced in case of breach, as though the terms and conditions were an agreement made between them. By virtue of the definition of "purchaser" in subsection (1) of the new section, if the purchaser dies, his widow or certain members of his family may apply in his stead or may obtain the benefit of an order under the new section. (This corresponds with a provision in the Rent Restrictions Act (United Kingdom).)

Subsection (8) of the new section provides for a variation of the statutory tenancy, application by the purchaser or the owner, if there are alterations or additions to the house or the accommodation, etc., provided therein. Subsection (9) confers on the local court the same powers when dealing with an application under this section as it has in the exercise of its ordinary jurisdiction. By virtue of subsection (10), the court's decision will be final. Subsection (11) provides for a penalty of £100 for failure to comply with any provision of the court's order. Subsection (12) is an evidential provision that enables production of a copy of the *Gazette* in any application under this section, showing that a house has been declared to be substandard, to be *prima facie* proof of that fact. The Bill also makes certain other important amendments to the principal Act.

New section 15b (also inserted by clause 7) provides that in any application under the principal Act no costs may be awarded against a party unless his conduct in making the application has been vexatious, oppressive or unreasonable. The combined effect of clauses 3 and 4 is that the definition of "letting agreement" in the principal Act is revised to provide that tenancies for three years or more will be excluded from the operation of the Act. (At present only one-year tenancies are so excluded.) As a consequential measure the exclusion of one-year tenancies is restricted to existing agreements.

Clauses 5 and 6 make amendments consequential on the insertion of new sections 15a and 15b. Clause 5 also makes an important amendment relating to distress for rent. Section 16 of the principal Act abolishes distress for rent of any dwellinghouse, and section 5 provides that the Act shall not apply to any premises when any notice fixing the maximum rental thereof is in force under the Housing Improvement Act. The combined effect of these two sections is that tenants in substandard houses (that is, those to which the Housing

Improvement Act applies) have no protection against distress for rent. Clause 5 therefore amends section 5 so as to abolish distress for rent in respect of such premises.

Clause 8, which inserts a new section 16a, provides that it is an offence punishable by maximum penalty of £100 for any person who, without the consent of the tenant of the premises, or without reasonable cause, interferes with the use and enjoyment of the premises or any furniture, services or conveniences in or available to the tenant in the premises. Under subsection (2) where a landlord or his servant, etc., has been convicted of an offence under subsection (1) the local court can order the landlord to put the tenant in the same position as he was before the interference with his enjoyment of the premises. (Penalty: £100.)

Mr. MILLHOUSE secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Housing Improvement Act, 1940-1961.

Motion carried.

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

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its purpose is to amend the Housing Improvement Act, 1940-1961, by giving effect to recommendations made by the Chairman of the South Australian Housing Trust. These recommendations have been accepted by the Government as being necessary and desirable for the protection of the tenants of substandard houses. The principal objects of these amendments are as follows: (*a*) to confer upon the housing authority power to purchase land; (*b*) to oblige any landlord or his agent, who receives rent in respect of a house to which Part VII of the Act applies, to give a receipt for such rent; (*c*) to make it an offence for any person to interfere with the use or enjoyment of the premises by the tenant; (*d*) to confer power upon the housing authority to direct the landlord to display on a notice or placard in the house the amount of rental fixed by notice issued under Part VII; (*e*) to give protection to a tenant from eviction when the landlord learns that it is intended to declare the house to be substandard; and (*f*) to impose a duty on the vendor of a substandard house to disclose that the house is substandard, etc., to a prospective purchaser.

I shall now deal with each clause in detail. Clause 3 enacts a new section 16b which confers upon the housing authority the power to acquire land. The housing authority has no power to acquire land compulsorily. Clause 4 inserts new sections 56c and 56d in the principal Act. New section 56c imposes on the landlord a duty to give receipts for rent. This section corresponds with section 11 of the Excessive Rents Act, 1962. New section 56d makes it an offence to interfere with the tenant's use and enjoyment of the premises, and subclause (2) thereof enables the court to make such order against the landlord as may be necessary to enable the tenant to resume the ordinary use or enjoyment of the premises. This section is modelled on a provision of the Landlord and Tenant (Control of Rents) Act, 1942-1955, which has now expired.

Clause 5 inserts new section 58a in the principal Act which enables the housing authority where the rent of part of a house is fixed to require the landlord to display a notice stating the amount of the maximum rent. Subsection (2) of the new section provides for a penalty of £20. Again, this section corresponds with a provision of the expired Landlord and Tenant (Control of Rents) Act. Clause 6 introduces a new section 60a and is designed to protect tenants from being evicted when the landlord learns of the intention of the housing authority to declare a house to be substandard, but before a notice fixing the maximum rental of the house under the Act has come into force. The tenant will not, however, be protected if he fails to pay his rent under the agreement or if the court confirms that a notice to quit is appropriate.

Clause 7 inserts a new section 61a in the principal Act and imposes a duty upon the vendor of giving a notice in writing to the purchaser of a declaration or a notice to declare the house, the subject of the sale, substandard, and if he fails to give such notice the agreement for sale will be voidable at the option of the purchaser. Clause 8 provides for the repeal of section 62 of the principal Act. This section refers to an Act which has expired. Clause 9 amends section 73, which is the general penalty provision, by increasing the maximum penalties therein provided from £20 and £2 a day in the case of a continuing

offence to £50 and £5 respectively. The present penalties were fixed in 1940 and are now considered inadequate. Clause 10 enacts a new section 84a which provides that any contract or arrangement to evade the Act should be void. The new section is modelled on section 14 of the Excessive Rents Act. I commend the Bill for the consideration of honourable members.

Mrs. STEELE secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Adjourned debate on second reading.

(Continued from October 20. Page 2287.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I support the principle of this Bill. I have always thought that the officers who hold responsible positions should be adequately rewarded, and indeed I think that the efficiency of the Public Service demands that we pay really first-class men a salary that enables us not only to retain such people but to attract others to the service. While I do not want to delay the passage of this Bill, I confess that there is one feature which gives me much food for thought, and indeed I think it is something that this House should consider before the Bill is passed.

I refer to the salary of the Agent-General in England, a subject that was dealt with at length by the Premier in his second reading explanation. In fact, the Premier passed over the other salaries very lightly, while he gave considerable attention to the question of the salary of the Agent-General and to the changed circumstance that is now to apply. I draw attention to what the Premier said on this matter, because I think it is something that should be looked at by members. He said:

> With regard to the Agent-General, the increase comparable with those granted to other senior officers would be about £450 sterling per annum. It has been the practice over the past 12 years to provide for the increases to be made wholly in the salary component of the payment to the Agent-General, while the representation allowance has remained without adjustment at £1,000 sterling per annum since 1953. This has been preferred by recent appointees who have been members of the Public Service, since it has had an advantageous effect upon long service leave and pension entitlements. However, the new appointee, who will take office on March 21, 1966, is not a member of the Public Service and, accordingly, because of taxation considerations he could reasonably expect attention to the representation allowance component. Accordingly, the amending provisions add £448 sterling to the salary of the present Agent-General, leaving the allowance unaltered for the remainder of his term of office. As from March 21, 1966, £420 of the £448 adjustment is proposed for the allowance, so that the salary component will be £4,080 sterling, or £28 higher than at present. Two other rearrangements are also proposed for the new Agent-General. It has been the practice for the Government to meet a portion of the income tax of the Agent-General based upon the additional tax attracted by the exchange difference between sterling and Australian pounds. This is already an outdated arrangement which will become even more outdated when Australian currency is converted to a decimal basis. The Government met about £365 in Australian currency of the Agent-General's tax in his latest assessment, or just a little more than £300 sterling. It is proposed to cancel this arrangement when the present Agent-General retires and replace it by an addition of £300 sterling to the representation allowance.
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> The second rearrangement relates to an allowance of £200 sterling paid by the Electricity Trust of South Australia to the present Agent-General. It would seem desirable that the whole of the Agent-General's salary and allowances should be paid by the Government, and accordingly it is proposed that this £200 sterling be added to the statutory allowance from the date of the new appointment, and the Electricity Trust's payment will thereafter be paid into general revenue.

This is much more than the passing on of a salary alteration: it is a completely new arrangement regarding the Agent-General. I make it clear that I am addressing my remarks more to the new arrangement, which I believe is one that we should examine. First, I do not agree that the allowance has not been altered since 1953 because of the effect it would have on the retiring allowance. I accept the Premier's remark that no doubt the occupants of the position preferred it that way when they were public servants, because it did give some advantage to them. However, since 1953 a material change has taken place in the basis on which the Agent-General is serving his State. Prior to the appointment of Mr. Pearce, the Agent-General had to fend for himself for accommodation. The Government approved the purchase of a house for the use of Mr. Greenham when he was Agent-General, but this was subsequently altered by the arrangement worked out by the present Agent-General whereby the Government leased a house. While the house costs about £1,240 a year, I think the Agent-General pays about half that amount, which is a big advantage with respect to the officer's expense allowance.

New departures have been made in assisting the Agent-General in respect of the various functions he fulfils, and no doubt the new Government will approve of provision being made for special expenditures which the Agent-General has to undertake, particularly with regard to various functions. I doubt whether there is any ground for altering the allowance payable to the Agent-General. I believe that about £1,000 would meet all the circumstances. I notice that allowance is made for £1,799 in this year's Estimates for rent, maintenance charges, etc., for the Agent-General's residence in London: last year it was £1,720. It has been stated that there have been no increases in the allowances of the Agent-General since 1953, but a completely different set of circumstances has altered materially the basis on which the Agent-General is employed in England on behalf of the State. We should not be cheese-paring about our representation in London. This is a prestige job and one which the reputation of this State requires to be carried out efficiently and with proper dignity.

I pay a tribute to past Agents-General who have done an extremely good job, and I am sure that future officers will do the same. The present salary is to be increased to £6,000 sterling, equivalent to £7,500 Australian. The future Agent-General will have that salary, but because of the arrangements being made he will have a material advantage, as about one-third of the £7,500 will be tax free. We must also bear in mind that he receives other assistance from the Government (an official car and driver is available, and he receives assistance with respect to the residence), and comparison should be made with salaries that are paid in this State. The Chief Justice and Lieutenant-Governor receives £7,000 Australian—£500 less than the Agent-General. Puisne judges receive £6,250, and the Premier, with allowances, receives £5,800.

Mr. Ryan: The position warrants more than that.

The Hon. Sir THOMAS PLAYFORD: On the same basis, the Chief Secretary would receive £5,500 and other Ministers, £5,100, as compared with the Agent-General's salary of £7,500. With the new arrangement of converting nearly all of the increase into a tax-free allowance (because that is what it amounts to) I cannot believe that this matter should pass unnoticed. It is completely out of line with salaries and conditions applying to other senior officers in this State. If the old arrangement had been maintained (as it is being maintained in the case of Mr. Pearce) it would represent an adequate adjustment, in all the circumstances. In my opinion, no justification existed for increasing the expense allowance which, of course, materially affects the salary, because the expense allowance is increased and the salary decreased, and the officer is automatically relieved of taxation. We have added to the salary the taxation paid by the Government and at the same time fixed the salary so that it will not be subject to taxation. This is not a proper provision. The Premier said:

> This is already an out-dated arrangement which will become even more out-dated when Australian currency is converted to a decimal basis.

The Hon. Frank Walsh: I think you are a little out-dated yourself on this matter!

The Hon. Sir THOMAS PLAYFORD: I may be, but I see no reason for changing the previous procedure. Over the years South Australia has been represented as effectively as has any other State in the Commonwealth.

Mr. Jennings: It still will be!

The Hon. Sir THOMAS PLAYFORD: I am not saying it will not. I assume it will be served in the same way in the future as it has been in the past. However, I still have not heard how the change-over to decimal currency affects the position. How it does, I do not know. I assume that when decimal currency becomes effective the exchange rate that has existed in the past will continue to exist. I also assume that when decimal currency takes effect the salaries paid will be balanced out in the future. I believe that something more is involved in this matter than a mere change-over from one currency to another. If the expense allowance is to be set at such a high sum, some justification should exist for it. I am not enamoured of the provisions relating to the change in circumstances. I am not disputing the increase on salaries parallel to those that have been taking place in this State.

The Hon. Frank Walsh: Did you ever think of superannuation, and what effect it has on this matter?

The Hon. Sir THOMAS PLAYFORD: I can tell the Premier about superannuation. A person who had been in the Public Service and paying for superannuation before taking up this appointment obviously did not lose superannuation.

The Hon. Frank Walsh: He got it tax free.

The Hon. Sir THOMAS PLAYFORD: Conversely, a person not in the Public Service who took on this appointment, and who had no superannuation, never received it in the past. For instance, Charles McCann who represented

this State as Agent-General with great ability did not have superannuation, as he was not a public servant when appointed, and consequently did not qualify for it. The position of Agent-General does not come under the Public Service Act. We previously said that any public servant appointed to the position would retain all his rights, but I know of no position outside the Public Service that qualifies for this benefit. Is this increase in lieu of superannuation?

The Hon. Frank Walsh: I'll give you a complete answer when I reply. It will be no worse than what you are trying to tell us.

The Hon. Sir THOMAS PLAYFORD: The Premier's second reading explanation was not a complete answer; it made many observations that do not stand up to examination. If the Premier's reply does not satisfy me, I shall move an amendment which will satisfy me and which I hope he will accept.

Mr. RYAN secured the adjournment of the debate.

ADJOURNMENT.

At 10.31 p.m. the House adjourned until Wednesday, November 3, at 2 p.m.