HOUSE OF ASSEMBLY

Wednesday, November 24, 1965.

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

QUESTIONS

NICKEL INVESTIGATION.

The Hon. Sir THOMAS PLAYFORD: Will the Minister of Agriculture ascertain from his colleague, the Minister of Mines, whether there have been any significant results with respect to an investigation undertaken by the Mines Department in the Far North-Western portion of the State for nickel deposits; how much has been spent on this investigation; and whether it is now considered worthwhile continuing with the search in that part of the State?

The Hon. G. A. BYWATERS: I will consult with my colleague and obtain a report for the Leader.

COLLIER'S ENCYCLOPAEDIA.

Mr. HUDSON: A constituent of mine has a purported agreement between himself and his wife and the firm of P. F. Collier Incorporated. This document purports to be a contract under which 24 volumes of *Collier's Encyclopaedia* are to be supplied. I mention the name of the firm deliberately, because this purported agreement on the surface seems to be a deliberate attempt to evade the provisions of the Book Purchasers Protection Act, and in particular section 4 of that Act, which states:

Every such contract shall be unenforceable against the purchaser unless . . . (*c*) there is printed conspicuously on that contract in capital letters in bold black type of size not less than eighteen point face and so to be clearly seen the words "This contract is unenforceable against the purchaser unless and until the purchaser notifies the vendor in writing not less than five nor more than 14 days after the date hereof that he confirms it";

There is no such inscription on this contract, but in small type it states:

Upon acceptance by you of this offer the contract thereby constituted is to be covered and construed in all respects with the law of New South Wales and is not subject to cancellation.

My constituent was adamant that he was completely taken in by the salesman, and attempted to cancel the contract, only to receive a refusal from the firm. As an apparent evasion of the Book Purchasers Protection Act has taken place, will the Attorney-General investigate this case and ascertain whether something can be done?

The Hon. D. A. DUNSTAN: Yes. There have been persistent complaints concerning the activities of Collier, and a number of contracts such as the one to which the honourable member refers have been signed. Up to the present, unfortunately, we have been unable to obtain witnesses prepared to press charges on this matter, and that is why, so far, no prosecution has been undertaken. If the honourable member's constituent will assist us in this regard it may be that we can give a salutary lesson to this firm.

ROYAL ADELAIDE HOSPITAL.

Mrs. STEELE: The Report and Statement of Accounts of the Commissioners of Charitable Funds for the year 1964-65, laid on the table of the House yesterday, discloses that the balance of the funds held by the Commissioners and standing to the credit of the Royal Adelaide Hospital is £926,916 14s. 4d. The Auditor-General's Report for the year ended June 30, 1965, states:

Receipts for the year on this account were £80,295 including a contribution from the Royal Adelaide Hospital Auxiliary of £5,000. Payments were £21,062, of which £17,240 was for administrative expenses, maintenance and rates and taxes on city properties and £2,818 for supply of drapery, bed linen, etc., from funds provided by the Royal Adelaide Hospital Auxiliary. The balance £1,004, was spent on patients' comforts. Over the past five years, excluding amounts provided by the Royal Adelaide Hospital Auxiliary, the Commissioners have spent £4,902 on patients' comforts. During that period the funds held by the Commissioners on account of the Royal Adelaide Hospital, excluding those contributed by the Auxiliary, have increased by £393,740.

The Auditor-General goes on to say:

There does not appear to be any reason why considerably more of the funds held on account of the Royal Adelaide Hospital by the Commissioners should not be spent for the benefit of that hospital and its patients, as envisaged by the Act.

In view of these disclosures, will the Treasurer have the matter investigated, and possibly intimate to the Commissioners that more of the funds held on behalf of the hospital should be spent for the benefit of patients?

The Hon. FRANK WALSH: Matters concerning this fund were fairly well ventilated in the last Parliament. It has been difficult to make progress in this regard, for which I do not blame the previous Government, because certain personnel have not been able to appreciate the desirability of assisting patients of the Royal Adelaide Hospital. Cabinet has considered the matter, which at present is being held in abeyance through the unavailability of members of the board to discuss matters further. As a result of

discussions to be held between the interested parties, it may soon be possible to ask the board to consider how best to use the fund. However, this depends on acceptance of the invitation to members of the board to discuss the matter. I hope we shall be able to solve the problem soon.

HIGHBURY AREA SEWERAGE.

Mrs. BYRNE: Has the Minister of Works a reply to my question of November 17 regarding the progress made on the sewerage system at Highbury?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has informed me that construction work on the Hope Valley to Highbury scheme is scheduled to be started after next winter, that is, in approximately September, 1966. The cost of the full scheme is £195,700 and it is anticipated that it will take about 18 months to complete.

PANITYA LAND.

Mr. BOCKELBERG: I understand that recently blocks were allotted in the hundred of Panitya, and that some of them have already had a considerable area chained down. Can the Minister of Lands say how many blocks have been allotted, how many are yet to be allotted, and whether more land is available for young land-hungry settlers in that part of Eyre Peninsula?

The Hon. J. D. CORCORAN: I shall be pleased to obtain that information and bring down a report for the honourable member.

NATURAL GAS.

Mr. COUMBE: Has the Premier a reply to my recent question regarding natural gas?

The Hon. FRANK WALSH: The Minister of Mines reports that the natural gas pipeline feasibility study being undertaken by Bechtel Pacific Corporation Limited is progressing, and that a report will be available by the end of the year.

TRAMWAYS TRUST.

Mr. MILLHOUSE: On the front page of this morning's *Advertiser* appears an item headed "Action Call by Meeting", which is a report of last night's meeting of the Tramways Employees Association. I am thankful to read that it was decided not to hold a stoppage over the re-employment of Mr. Harrison, because of which there was a stoppage last month. In part, the item states:

It said that the South Australian Branch of the Tramways Employees Association also recommended that the Trades and Labor Council approach the Labor Government with a view of "expediting the abolition" of the Tramways Board and placing it under the direct control of the Minister of Transport.

Can the Premier say whether the Government has considered this matter in accordance with the policy of the Australian Labor Party and whether it is intended to act on it either along the lines requested by the meeting last night or along any other lines?

The Hon. FRANK WALSH: This matter may be discussed by Cabinet tomorrow. The report the honourable member quoted is the only one that I have seen. Cabinet has not had any representation made to it, and the matter has not been discussed.

STRATHALBYN PRIMARY SCHOOL.

Mr. McANANEY: Although a new section of the Strathalbyn Primary School was built some years ago, about half the children at this school still use the old building. There has been considerable agitation in the district for a further extension on the new site so that the whole school can be accommodated in the one area. Can the Minister of Education say whether there are any plans for such an extension in order to accommodate the children from the older school?

The Hon. R. R. LOVEDAY: Without checking, I cannot say whether there are any plans for a new school building at Strathalbyn. However, I will obtain the information for the honourable member.

CHOWILLA TIMBER.

Mr. CURREN: Some months ago I sought information from the Minister of Forests regarding cutting of timber in the Chowilla dam area, and I was told that a control committee was to be appointed. Can the Minister say what progress has been made in this matter?

The Hon. G. A. BYWATERS: It was suggested that a committee be appointed, consisting of one officer from the Woods and Forests Department, one from the Lands Department, and one from the Engineering and Water Supply Department. Each department was notified of this and each has now submitted a name for approval by Cabinet and later by Executive Council. Although I am not at this stage able to give the officers' names, I assure the honourable member that that information can be disclosed soon. I am confident that the persons selected will be acceptable to Cabinet and that their appointment will be approved by Executive Council, after which it is hoped that this committee

will soon become active, for we realize that time could be the essence in this matter. We hope that this committee will prove valuable to the State.

WHITE GUMS.

Mr. SHANNON: I thank the Minister of Education, representing the Minister of Roads, for his courtesy in letting me have the information regarding the white gums at the Madurta railway crossing. I arranged for the Minister of Roads to receive a deputation on this matter from the Mount Lofty Ranges Association, and I understand, from information I gleaned from the deputation, that it presented valuable information and that it received a favourable hearing from the Minister. Will the Minister of Education inquire of his colleague whether the report was prepared before the deputation was received?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the trees referred to are located near the Madurta railway crossing. This is the crossing on Pine Avenue near its junction with Churinga Road. The realignment of a sharp curve between the railway crossing and the Pine Avenue bridge will involve the removal of two or three trees which are located within the formation limits of the new approaches to the bridge. The removal of these trees is essential for traffic safety, and without drastically reducing the design speed of this curve they cannot be preserved. The design speed of the new curve has been kept to an absolute minimum of 30 m.p.h. in order to preserve as much natural vegetation as possible.

ST. KILDA FORESHORE.

Mr. HALL: Has the Minister of Education a reply from the Minister of Local Government to my question of October 14 about the dumping of refuse by local councils on the St. Kilda foreshore?

The Hon. R. R. LOVEDAY: The Minister of Local Government reports that the disposal of refuse from the metropolitan area is an increasing problem for many councils. In some cases councils have to cart refuse for a considerable distance and dispose of it outside their own boundaries. The use of the tidal swamps in the Salisbury council area for controlled tipping of municipal refuse has much merit, and should receive the serious consideration of the metropolitan and near-metropolitan councils. There are several thousand acres of mangrove swamps which, with the co-operation of the controlling local government authority, could provide suitable sites for refuse disposal from the metropolitan area for many years. Proper controlled tipping would not only reclaim waste areas but would also eliminate mosquito breeding grounds which are a serious problem in this area.

PORT LINCOLN HIGH SCHOOL.

The Hon. G. G. PEARSON: On August 11 the Minister of Works gave me a report about the Port Lincoln High School. He said that planning on new school buildings would proceed during the year, but that the letting of a contract would depend on the future availability of funds. As the school year is almost ended and I shall be attending the annual speech night soon, will the Minister obtain an up-to-date report on this subject? Further, will he say whether this project will be included in next year's building programme?

The Hon. C. D. HUTCHENS: I will obtain a report for the honourable member by next Tuesday at the latest.

GREENHILL ROAD.

Mr. LANGLEY: In last week's *Sunday Mail* the Minister of Roads is reported to have said that work would proceed on a new bridge at the corner of Anzac Highway and Greenhill Road to ease traffic congestion there. As it is intended that a new highway similar to the road from Fullarton Road to Glen Osmond Road will be provided, will the Minister of Education ask his colleague when work on this highway will commence?

The Hon. R. R. LOVEDAY: I shall be pleased to get that information.

ABORIGINAL EYE COMPLAINTS.

The Hon. Sir THOMAS PLAYFORD: Has the Minister of Aboriginal Affairs received the report he promised to obtain about the incidence of eye diseases on the North-West Reserve, and, if he has, may I have a copy?

The Hon. D. A. DUNSTAN: I asked for that report to come to hand urgently, but as yet I have not received it. I will inquire, and let the Leader have it when I receive it.

TEA TREE GULLY WATER SUPPLY.

Mrs. BYRNE: Has the Minister of Works a reply to my question of November 11 about the Tea Tree Gully water supply?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has supplied the following report from the Engineer for Water Supply:

The area referred to is at a high level in relation to the Tea Tree Gully storage tanks, some of the properties being only 50ft. below

the high water level in the tanks. Consequently, low pressures are experienced, particularly during peak periods. The mains are in good condition and arrangements are being made to introduce higher pressure water into the system at an early date from an alternative source. This should effect an improvement in the supply to residents in Rednall Street and Haines Road.

BOTANIC GARDEN.

Mrs. STEELE: I was perturbed when reading the Annual Report of the Board of Governors of the South Australian Botanic Garden to find this comment:

Dry conditions resulting from low rainfall have caused some concern regarding the health of trees in Plane Avenue Drive. These trees are about 80 years old and have shown signs of continued water strain for some years. Some thinning will be required if the avenue is to remain for another 50 to 80 years, the anticipated life of the present trees.

Trees of great antiquity are a great pleasure and provide abundant shade in the parks of England and, allowing for the difference in climatic conditions, flourish during a life of hundreds of years. In a State not blessed with many stands of trees it is tragic to observe the ease with which public authorities can so easily denude an area of its natural legacy of trees. There was a recent instance of this at Daws Road. Can the Minister of Lands assure the House that any action to thin the plane trees will not be taken until all other measures, such as trenching to provide adequate watering, have been exhausted?

The Hon. J. D. CORCORAN: I should think that every step would have been taken to do this but I will ask for a report. No doubt Mr. Lothian will supply me with the information, and I assure the honourable member that both he and I are sympathetic in this matter.

FLORENCE TERRACE.

Mr. MILLHOUSE: Has the Minister of Education a reply from the Minister of Roads to my recent question about Florence Terrace, Belair?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that Florence Terrace, Belair, forms part of the Burbank-Crafers arterial road as shown on the Town Planner's Development Plan, 1962. As such, the department has carried out some preliminary planning of the project. This indicates that some frontages of properties will ultimately be required for road-widening purposes. However, until the Metropolitan Adelaide Transportation Study is completed in 1967, the department is not in a position to finalize the design, as one of the outcomes of the study will be to indicate the number of lanes required in this vicinity and the priority which the project should receive.

RAILWAYS PUBLIC RELATIONS.

Mrs. STEELE: I believe that all honourable members receive the publication *Railways of Australia,* in respect of which, more often than not, articles or items of interest in relation to this State are conspicuous by their absence, thus high-lighting the overdue necessity of having a public relations officer exclusively promoting the cause of the South Australian Railways. In view of the Government's determination, at any cost, and at the expense of other transport facilities, to increase the revenue of the Railways Department by £1,000,000 annually, and because of the consequent need to publicize the service to attract patronage, will the Premier, representing the Minister of Transport, ascertain whether the Government will consider the immediate appointment of a public relations officer for this purpose?

The Hon. FRANK WALSH: I will take up that matter with my colleague, and obtain a report.

RENMARK IRRIGATION TRUST.

Mr. CURREN: Some weeks ago it was announced that an agreement had been reached between the Government and the Renmark Irrigation Trust on the financial arrangements for the installation of a new pumping station, rising main, and other works. Can the Premier say when legislation will be introduced to give effect to this agreement?

The Hon. FRANK WALSH: Legislation will be introduced at the earliest opportunity, possibly early next year.

PAPER PULP INDUSTRY.

The Hon. Sir THOMAS PLAYFORD: As negotiations in connection with the proposed establishment of a pulp and paper industry in the South-East were proceeding for about 18 months prior to and at the time of the election in March this year, can the Minister of Forests say whether they are continuing, whether they are likely to be successful and, if they are successful, whether this industry will be established in the South-East?

The Hon. G. A. BYWATERS: The negotiations are still proceeding, and the circumstances have not changed in respect of the owners of the private forests and the Woods and Forests Department. At this stage no finality has been reached, and I can only add that the parties

are still interested in the scheme. When further information is available I shall inform the Leader.

UNIVERSITY ACCOUNTS.

The Hon. Sir THOMAS PLAYFORD: Will the Minister of Education ascertain whether the Government will consider having the accounts of the University of Adelaide audited by the Auditor-General? I point out that the accounts of all other universities in Australia are audited by the appropriate Auditor-General, and that this Parliament annually appropriates about £5,000,000 to the university. I am in no way suggesting any impropriety in respect of the university accounts, but I believe it would be of great value to honourable members if they could have an auditor's report on university accounts the same as reports they have in the case of other departments. This would allow a uniform consideration of the affairs of the university.

The Hon. R. R. LOVEDAY: Perhaps the Leader did not know that the member for Albert (Mr. Nankivell) asked a similar question earlier in the session. I took up the matter with the Vice-Chancellor of the university, who said that its accounts were audited by two reputable firms of auditors, whose names he gave me. He added that the university would prefer to have the accounts audited by those auditors on the grounds that, if it required special information from the auditors, it could more easily obtain it in that way. The Vice-Chancellor went on to say that, if the Government required special information regarding the university's accounts, it had only to request it and it would be supplied. As a consequence, I assured the member for Albert that we believed no reason existed to have the accounts audited by the Auditor-General, and we have decided to leave the matter that way.

The Hon. Sir THOMAS PLAYFORD: I repeat that I do not suggest any impropriety regarding the accounts, but if they are audited by the Auditor-General they are then printed in his report, and members have access to the accounts, which they do not have at present. To obtain the reports from the university at present, we have to be provided with a document that is not readily available to honourable members, namely, the annual report of the university. It was not the convenience of the university I was considering, but rather the convenience of honourable members, who would have on their files an auditor's report based on the same method of reporting on the affairs of an undertaking as that relating to other Government departments.

The Hon. R. R. LOVEDAY: Two other points have occurred to me: first, five members of Parliament are on the University Council, and they have copies of the university's audited accounts; secondly, when I previously inquired, it was pointed out to me that if the Auditor-General had to audit the university's accounts it would probably mean the engaging of additional staff. However, I shall take the matter again to Cabinet and bring down a report.

LAND TAX ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's suggested amendment:

Page 1, line 18 (clause 3)—Leave out the words "and subsequent financial years".

The Hon. FRANK WALSH (Premier and Treasurer): I move:

That the suggested amendment of the Legislative Council be disagreed to.

The suggested amendment eliminates the essential provision of the Bill. The amendment provides that the proposed increases in land tax shall operate for only the remainder of this financial year, which is similar to an amendment moved earlier in this Chamber. This would have an effect on Government revenue.

The Hon. Sir THOMAS PLAYFORD: How can the suggested amendment affect revenue? It approves the rates provided by the Government for this year, but it requires the matter to be examined next year when the quinquennial assessment is known. What disturbs me is that the Government almost offered the Legislative Council this same amendment. The Chief Secretary in another place agreed to this amendment provided that—

The CHAIRMAN: Order! The Leader would be out of order in referring to a debate in another House.

The Hon. Sir THOMAS PLAYFORD: Yes, Mr. Chairman. The only objection to the suggested amendment is that it requires this matter to be looked at again next year, and that we do not then automatically continue the rates now prescribed.

Mr. Hudson: If the Legislative Council's amendment is agreed to there could be no rates at all.

The Hon. Sir THOMAS PLAYFORD: I believe it is essential that this matter should be looked at after the quinquennial assessment next year. I have been told that in some instances values will increase by up to 700 per cent. I ask the Committee not to accept

the recommendation of the Treasurer but to accept what was, after all, the amendment first moved by the member for Gouger and completely supported by the Opposition.

The Hon. G. G. PEARSON: I am surprised to hear the Treasurer's reason for recommending that the Committee should oppose the Legislative Council's suggested amendment, which would have no impact on the State's revenue this year. If it were contended that we, having struck a new rate this year, should then go on blithely and attach this new rate to a very much increased assessment next year, I think that would be a grave injustice to many people. When the Treasurer brings down his Budget proposals next year he will have before him the full facts of the new quinquennial assessment and he may feel inclined to reduce his rate, with the higher assessment to back him up. If he wants to have a little in reserve he could well do this, and, in the subsequent year, if he needed further additional funds, he could then increase his rate on the higher assessment.

Mr. HALL: I concur in the thoughts expressed by my Leader and Deputy Leader. I assure the Committee that my original amendment was not designed to reduce by one penny the finance available to the Government this year, nor does the present amendment do that. The position should be considered again next year to ensure that certain sections of the community are not taxed beyond their capacity to pay.

Mr. Hudson: This amendment means that after this year there are no rates at all.

Mr. HALL: Exactly. It is the responsibility of the Government to fix the rates. Each year the Government presents a Budget to Parliament. Why should the Government be afraid to face up to it next year, if this is not a means of getting vicious taxation on a pretext this year?

The House divided on the motion:

Ayes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Corcoran, Curren, Dunstan, Hudson, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Noes (15).—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, Pearson, and Sir Thomas Playford (teller), Messrs. Quirke, Rodda, Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Clark and Hughes. Noes—Messrs. Brookman and Teusner.

Majority of 2 for the Ayes.

Motion carried.

The following reason for disagreement was adopted:

Because the suggested amendment eliminates the essential provision of the Bill.

Later, the Legislative Council requested a conference at which it would be represented by five managers on the Legislative Council's suggested amendment to which the House of Assembly had disagreed.

The House of Assembly granted a conference to be held in the Legislative Council Conference Room at 3.15 p.m., Thursday, November 25, 1965, at which it would be represented by the Hon. J. D. Corcoran, the Hon. D. A. Dunstan, Mr. Hall, Mr. Shannon, and the Hon. Frank Walsh.

PARLIAMENTARY SALARIES AND ALLOWANCES 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 make provision for the establishment of a tribunal to determine the remuneration of Ministers of the Crown, and officers and members of Parliament, to repeal the Payment of Members of Parliament Act, 1948-1963, and to amend the Constitution Act, 1934-1965.

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, as the long title shows, is to make provision with regard to the establishment of a tribunal to determine the remuneration to be paid to Ministers of the Crown, to officers of Parliament (as defined by clause 2 of the Bill) and members of Parliament, to repeal the Payment of Members of Parliament Act, 1948-1963, and to repeal subsections (3) and (4) of section 65 of the Constitution Act. It may be of assistance to honourable members if I mention that the law with regard to the remuneration to be paid to Ministers of the Crown, officers, and members of Parliament is at present to be found in the Payment of Members of Parliament Act and in section 65 of the Constitution Act.

The effect of this legislation is to repeal subsections (3) and (4) of section 65 of the Constitution and the whole of the Payment of Members of Parliament Act and to substitute therefor the provisions of this Bill. Honourable members will be aware that when in the

past any question of revision of Ministerial or members' salaries has arisen it has been found necessary to appoint *ad hoc* committees to determine from time to time whether increases in remuneration were justified or not. The Government considers that this system is not entirely satisfactory and that it is desirable therefore for a permanent tribunal to be established. The tribunal will be known as the Parliamentary Salaries Tribunal and will consist of three members appointed by the Governor who will also appoint one of the members to be Chairman. Each member of the tribunal will be a person who is or has at any date before the date of his appointment been:

(*a*) a judge of the Supreme Court of this State or of any other State or of any Territory of the Commonwealth;

(*b*) a judge of a county court or district court established or constituted under the law of any State other than this State or of any Territory of the Commonwealth;

(*c*) a presidential member of the Commonwealth Conciliation and Arbitration Commission established by the Conciliation and Arbitration Act, 1904-1961 of the Commonwealth;

(*d*) a judicial member of an industrial court or court of industrial arbitration established or constituted under the law of any State or Territory of the Commonwealth;

(*e*) Chairman of the Public Service Board;

(*f*) Auditor-General.

It will be seen from the constitution of this tribunal that the members will be persons who either have had extensive judicial experience or hold high office in the civil service of the State. The members will be paid such remuneration as the Governor may determine. Clause 3 provides accordingly.

I shall now refer to the objects of other clauses in the Bill.

Clause 1: Since it is essential that sufficient time be given to the Government to select members of this tribunal, it will be noted that the clauses in the Bill dealing with the setting up of the tribunal and the functions, purposes and procedure of the tribunal (clauses 3 to 11 inclusive) will not come into force until a day to be fixed by proclamation. The remaining clauses and schedule will, however, come into force as soon as the Act is assented to by the Governor. This is a necessary provision because these clauses and schedules ensure that until a determination is made the remuneration of Ministers, officers and members of Parliament will continue as provided for under the Payment of Members of Parliament Act and section 65 of the Constitution Act.

Clause 2 (1) defines "remuneration" as including salaries, allowances, fees and other emoluments and "ministerial office" as being an office specified in the First Schedule. Subclause (2) defines the persons who, for the purposes of this legislation, are officers of Parliament. A person is an officer of Parliament: (*a*) if he is elected to hold one of the following offices: President of the Legislative Council; Speaker of the House of Assembly; or Chairman of Committees in the House of Assembly; or (*b*) if he is a person who is for the time being Leader of the Opposition in the House of Assembly; Deputy Leader of the Opposition in the House of Assembly; Government Whip in the House of Assembly; Opposition Whip in the House of Assembly; or Leader of the Opposition in the Legislative Council.

Clause 4 provides that the Governor may appoint a secretary of the tribunal who may be an officer of the Public Service. Clause 5 is an important provision since it lays down the general powers and functions of the tribunal which is to make such determinations and submit to the Treasurer such recommendations as it is authorized to make. It is considered that the Treasurer is the appropriate Minister to whom recommendations of the tribunal should be made in this proposed legislation. Provision is made in subclause (2) for the tribunal at intervals of not more than three years to determine what remuneration should be paid to Ministers of the Crown, officers and members of Parliament and also enables recommendations to be made with regard to the Joint Committee on Subordinate Legislation, the Public Works Standing Committee, the Land Settlement Committee, the Industries Development Committee and Select Committees of either or both Houses of Parliament. Salaries of Ministers are at present provided for in section 65 (3) and (4) of the Constitution Act, 1934-1965, which lays down that the total salaries and allowances of Ministers shall not exceed a certain figure per annum (at present £19,950). These salaries and allowances are in addition to the salaries and allowances they are entitled to under the Payment of Members of Parliament Act. The actual distribution of the sum of money among Ministers is at present determined in Cabinet. This Bill, since it provides for a determination to be made on the remuneration payable to Ministers

of the Crown, makes these provisions unnecessary and accordingly by clause 13 subsection (3) and (4) section 65 are repealed.

Clause 5 (3) deals with specific powers of the tribunal which includes power to determine that remuneration of Ministers of the Crown, officers and members of Parliament should not be altered, or should cease to be payable or replaced by remuneration of some other kind or should be increased or that any part of such remuneration shall be geared to the cost of living. The tribunal may also fix the duration of a determination and vary a determination at any time during the continuance of that determination. Subclause (4) provides that a determination may be made to come into force on a date either before or after the date on which it is made and may vary either in whole or in part or revoke a previous determination and shall continue in force until varied or revoked by a subsequent determination.

Clause 6 provides for the Treasurer to call the tribunal together to commence an inquiry. Clause 7 lays down that the tribunal shall have all the powers and authority of a Royal Commission. Clause 8 provides that upon the making of a determination the Chairman of the tribunal shall notify the Treasurer of that determination and forward to him a signed copy of that determination and publish immediately thereafter a copy of that determination in the *Gazette*. The determination shall take effect as from the date specified in the determination.

Clause 9 provides in subclause (1) that the tribunal may prepare a report by way of an explanation of a determination or of any recommendation and forward the same to the Treasurer who shall within 14 days of receipt of such report lay the same before Parliament if it is then sitting or within 14 days after the next meeting of Parliament. Clause 10 provides that a determination shall be binding upon the Crown and all officers and members of Parliament. Clause 11 lays down that a determination shall not be challenged in any court and shall be final. Clause 12 is an important clause because it provides that Ministers of the Crown, members and officers are entitled to be paid such remuneration and calculated in such manner as may be determined by the tribunal but until a determination is made the remuneration payable to them shall be the remuneration payable in accordance with the Second, Third and Fourth Schedules.

Clause 15 is the usual appropriation provision which provides that all remuneration payable under this legislation is payable out of the general revenue of the State and is duly appropriated. Clause 16 repeals the Acts set forth in the Fifth Schedule of this Act. The First Schedule sets out Ministerial offices and takes into account the recent appointment of a ninth Minister. The Second Schedule, in effect, continues in force the relevant provisions of the Payment of Members of Parliament Act with regard to the remuneration of members generally. The Third Schedule describes the present position with regard to the remuneration of Ministers of the Crown. The Fourth Schedule deals with the remuneration of officers of Parliament on the basis of the rates of remuneration at present payable.

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

PARLIAMENTARY SUPERANNUATION 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 Parliamentary Superannuation Act, 1948-1963.

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 aim is to bring the provisions relating to superannuation for members of Parliament more into line with the provisions available to members elsewhere in Australia and superannuation provisions for public servants and others. For present and future members it provides for a 14 per cent increase in contributions and increases in benefits rising from 12 per cent after nine years' service to about 20 per cent or 21 per cent after 18 years' service. Hitherto the provisions of the Act have given increases in benefits for each year of service in excess of 18 years at only one-third the rate of the increases for each year of service up to 18 years. This has been reasonable, as contributions by members commenced only 17 years ago, and thus for the additional service in question members will have made no contribution. In effect, the full cost of such benefits for service before contributions began is borne from Government contributions. Within a few years now a number of members will have had more than 18 years of contributory service, and provision is now made that for contributory

service beyond 18 years up to 24 years the rate of pension shall increase at the full rate as for the earlier years rather than at one-third of that rate. It is proposed that the limitation of pension to that applicable to 30 years of service shall remain until the stage is approached when the fund has been operating for 30 years on a contributory basis, when a review will be made.

In line with most other schemes, it is proposed that a retiring member shall qualify for pension after eight years instead of nine years, and may retire voluntarily after 15 years instead of 18 years or at age 60 instead of age 65. There will no longer be a qualifying period of service for either an invalidity or a widow's pension. The reduction of pension through holding an office of profit under the Crown is to be removed. It is also proposed hereafter not to give members the choice of several rates of contribution with corresponding benefits, but to require all new members to contribute at the full rate. At the present time only two of 59 members are actually contributing at less than the full rate.

For pensioners, whether ex-members or widows, who have been on pension since before the commencement of the 1960 Amendment Act, it is proposed to increase their rate of benefit by one-third. This will make available to all those for whom contributions were made at the maximum available rate from time to time pensions at the rate applicable under the 1962 Amendment Act for those members contributing at £150 per annum. This was the maximum rate of contribution available at the time of the 1962 Act. With the amendments proposed it is expected that the fund will operate on a basis of the contributors covering about 30 per cent of the costs and the Government about 70 per cent. This is in line with the basic subsidy rates provided in the proposed amendments to the superannuation provisions for Government officers and employees.

Clause 3 makes the necessary amendments to section 9 of the principal Act relating to contributions by members. Clauses 4 and 6 make the necessary provision to reduce the qualifying period from nine to eight years, to remove the necessity of a qualifying period in case of invalidity, and to enable voluntary retirement after 15 years' service or at the age of 60. Clause 5 provides for the new rates of pension. For members contributing at the full rate, the pension will be £728 plus £78 for each year's service in excess of eight and up to 18, plus £26 per annum for each year in excess of 18, with a maximum of £1,820. Where a member has been a contributor for over 18 years there is a further increase of £52 for each year beyond 18 up to a maximum addition of £312. For members contributing at the lower rates there is a correspondingly lower entitlement. Clause 7 removes the qualifying period of service for a widow's pension, while clause 8 removes the provision for reduction of pension where a pensioner holds an office of profit under the Crown.

The Hon. G. G. PEARSON secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the South Australian Housing Trust Act, 1936-1952. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its object is to amend the South Australian Housing Trust Act, 1936-1952, to bring the South Australian Housing Trust under closer Ministerial control, thus making the Housing Trust more directly answerable to Parliament. Clause 3 amends section 3 of the principal Act, and provides that in administering the Act the trust shall be subject to the directions of the Minister. Clause 4 inserts a new section 3a in the principal Act which provides that in the exercise of the powers, functions, duties, etc., conferred upon the trust under this or any other Act the trust shall be subject to the direction and control of the Minister. It is not a question of a Minister having to consider in detail every matter concerning the trust, nor is it the desire of the Minister to control detailed administration. This Bill would probably not have been introduced at this stage had it not been for a recent unfortunate happening concerning the trust. However, this may re-occur on the question of major policy, and it should be the responsibility of the trust to make these matters known to the responsible Minister. The previous Government relied on a Minister who was recognized as being responsible for the trust's activities, and I did not hesitate, on being elected to office, to accept that responsibility. The Chairman of the trust was pleased that I accepted the responsibility, and I have assured him that I hope the trust continues to function as well as, if not better than, it has in the past.

I have received representations from the Chairman on several occasions about important

matters, and I believe that the trust will function smoothly under the new Government. In the matter of the increased rentals, at the time I accused myself of not making sufficient inquiries concerning some activities of the trust, but on second thoughts, I believe it was hardly necessary that I should have continued to make representations because I had what I believed to be the confidence of the Chairman. It was an unfortunate happening and, although personalities were not intentionally involved, it caused considerable discussion and I was unhappy to be associated with it. It is the aim of this Bill not to interfere in any way with the trust, but to ensure that everyone knows what is to happen in the future.

Mr. FERGUSON secured the adjournment of the debate.

ACTS REPUBLICATION BILL.

The Hon. D. A. DUNSTAN (Attorney-General) 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 authorize the republication of the Acts of the Parliament of South Australia.

Motion carried.

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

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

That this Bill be now read a second time.

It provides authority to enable another reprint of the Acts of South Australia to be carried out. It is nearly 30 years since the Statute law from 1837 to 1936 was reprinted in eight volumes with a ninth volume containing an index and various tables. This reprint proved of great assistance to all concerned with the Statute law, and was generally regarded as a success. At the present time, however, there are now 28 volumes of the annual Statutes in addition to the nine volumes of reprinted Acts, and the Government has concluded that the time has come when a further reprint of the Statutes should be made. This Bill, to enable this to be done, is substantially similar to the Acts Republication Act, 1934, which authorized the previous reprint.

Clause 2 provides that the Attorney-General is to cause to be reprinted all the Acts of Parliament of South Australia except private Acts, Acts of limited or local application, which are not of sufficient importance to justify reprinting, and Acts the operation of which has expired or been superseded by Commonwealth legislation. Clause 3 provides that every Act, which has been amended, will be reprinted with the amendments incorporated in the reprint so that the Act and its amendments will appear as one enactment. This, of course was the method adopted in the previous reprint. The 1934 Act, for obvious reasons, did not include a provision similar to clause 4. The effect of this clause is to provide that, where any provision of a reprinted Act contains a reference to pounds, shillings, or pence, that reference will be altered to the equivalent amount expressed in dollars and cents. Virtually every Act contains references of this kind as, among other provisions, there are thousands of sections which create offences for which the penalties are fines of various amounts. It will be a great convenience if, within a relatively short time after the change to decimal currency takes place, all references in the Statutes to monetary amounts are expressed in decimal currency. Clause 5 provides that where all the amendments made by an amending Act are incorporated in its principal Act, the amending Act need not be reprinted. Clause 6 provides for a number of matters. Where an Act has been amended, the short title is to indicate both the year of its passing and the year of the latest amending Act.

If reference is made in an Act to a provision of any other Act for which another Act has been substituted, then the reference may be altered accordingly. A reference to the name of any place, person or body which has been altered by law, may be changed to the altered name. Marginal notes to sections may be altered to accord with the true effect of the sections. The words at the end of an Act indicating the giving of the Royal Assent may be omitted but a reference to the date of the Royal Assent must appear elsewhere in the reprinted Act. Errors in spelling or in numbering of sections or subdivisions of sections may be corrected.

Clause 7 provides that, in any reprinted Act, there shall be a short reference to any amending Act; clause 8 provides that the Amendments Incorporation Act, 1937, is not to apply to the reprint; clause 9 provides that, in future amending Acts, any reference to lines or pages of any reprinted Act shall be construed as a reference to the line or page of the Act as reprinted; and clause 10 provides that the reprinted Acts are to be judicially noticed and are to be deemed to be the Acts of the Parliament of South Australia. As before stated,

with the exception of clause 4, all these provisions are substantially similar to those contained in the Acts Republication Act, 1934.

The printing of the reprinted Statutes will be carried out by the Government Printer whilst the Government intends that the editorial and other incidental work will be carried out by the Law Book Company of Australasia Limited. The previous reprint was carried out under a similar arrangement between the Government of the day and the Law Book Company when the Company engaged as joint editors Sir Edgar Bean and Mr. J. P. Cartledge, the then Parliamentary Draftsman and Assistant Parliamentary Draftsman. This reprint was carried out to a high standard and the Government feels confident that the Law Book Company will again carry out its part successfully and satisfactorily. Under arrangements similar to those made for the previous reprint, the company will meet all the costs of the reprint, except the printing and binding, and will, in return and in order to recoup its costs, have the right to sell the completed work. The Government will retain the right to use the sets of Acts necessary for its purposes.

On the editorial side, the company proposes to engage as the editor Mr. J. P. Cartledge, who is obviously well qualified for the task. As with the last reprint, it is proposed to include, as footnotes to the relevant sections, references to all decisions of the Supreme Court, the Industrial Court, and appellate courts relating to the interpretation of provisions of the reprinted Acts. In addition, there will be a full index and tables of a kind included in the previous reprint. Since 1937, many Acts have been passed which have ceased to have operation. It will be a part of the editor's task to prepare for introduction into Parliament one or more Statute Law Revision Bills to repeal these Acts and to make any amendments of a formal nature which, on a close scrutiny of the Acts, appear to be necessary.

As there have been many new legislative topics since 1937, the date of the previous reprint, it is expected that, whereas the previous reprint consisted of eight volumes of Acts and an index volume, the new reprint will probably need 10 volumes of Acts and an index volume.

The compilation and the printing of a new set of Statutes is a big job requiring a high standard of exactitude. It can be expected to take about five years and the rate of progress will depend largely upon the time needed for the printing and binding of the volumes. As opposed to the printing side, the editorial work will not be as extensive as that required for the previous reprint when 100 years of statute law had to be revised and brought into order. It is expected that the first volume of the new reprint will be ready soon after the end of 1967 with other volumes following at regular intervals. It is intended that the general style and format of the reprint will be similar to the style and format of the previous reprint which has been found to be generally acceptable.

Mr. MILLHOUSE secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (DECIMAL CURRENCY).

Adjourned debate on second reading.

(Continued from November 10. Page 2725.)

Mr. HALL (Gouger): When explaining the Bill, the Treasurer said:

Its purpose is to make certain adjustments in relation to totalizator investments, the stamp duty on betting tickets, and the tax on winning bets consequentially upon the introduction of decimal currency . . .

A strange aspect of the Bill is that taxation on racing is to be reduced by £19,000, at a time when every charge being brought to the attention of the House is increasing—water rates, bus fares, land tax, etc. Despite the impositions being foisted on the South Australian community, we now have a Bill to reduce taxation on racing by nearly £20,000. Why does an amendment to the Act, because of the change over to decimal currency, mean that the Government should lose revenue? I should have preferred to see bus fares £20,000 lighter in their effect on the public.

Mr. Nankivell: Free school books, too!

Mr. HALL: The reason for this reduction is not explained. The explanation continues:

The present provisions of the Lottery and Gaming Act prescribe as a condition for issue of a licence for the operation of a totalizator that there must be provision for bets in units as small as 2s. or 2s. 6d. and, as a result of this, 2s. 6d. has become the most widely used effective unit for totalizator investments.

He then said that that would now be doubled. I am not a racing fan, and seldom bet on a horse. However, I know that on the few times I have put money on horses I have bet the minimum amount, and I think that I have received as much enjoyment as, if not more (because of the lesser risk involved) than, I would have had had I been forced to place a larger bet.

Mr. Ryan: Did you bet legally or illegally?

Mr. HALL: The member for Port Adelaide can place his bets as he pleases in relation to the South Australian law, but I placed my bets legally because I did not know where to place a bet illegally. The second reading explanation states that 2s. 6d. has become the most widely used effective unit for totalizator investments, and it then states that it is proposed that the new unit shall be 50c or the equivalent of 5s. I hope there will be a further explanation of this because, at present, no reason is given why this popular unit should be doubled.

The Hon. Sir Thomas Playford: It is a unit that means many people can bet without involving themselves in large sums.

Mr. HALL: Exactly. I believe that the small unit is designed for the amateur. I may be an amateur in many things and I certainly am an amateur when it comes to picking out the form of race horses. I would be unwilling to bet any larger amount than the smallest unit permissible. Like others, I enjoy going out for a day at the races or a night at the trots, and I do not go specifically to pick horses on form. Why should not the present unit of 2s. 6d. be maintained?

The Hon. D. A. Dunstan: When was it fixed?

Mr. HALL: The Treasurer has related this to the fact that monetary values have declined since the unit was fixed. I think that is the only reason given for the increase. However, popular usage, as outlined in the Treasurer's explanation, has established a great preference for the 2s. 6d. unit. The Attorney-General cannot deny the second reading explanation made to that effect. The equivalent of 2s. 6d. in decimal currency will be two nickel coins, one of 20c and one of 5c. I understand the unit is in multiples but if someone wished to place a minimum bet of 2s. 6d. he could do so in decimal currency. The member for Frome is looking at me, and he is wiser in these matters than I, so I hope he will give some information on the matter.

The Treasurer also said that these amendments were introduced following lengthy discussions with representatives of the South Australian Jockey Club and persons conversant with totalizator procedure. Therefore, it was the racing management and the Government that decided on this increase, and both parties received significant benefits from it. If the unit is increased, turnover can be expected to increase, and consequently the taxation derived from it will increase. I believe that it will be to the financial benefit of the parties who agreed to doubling the unit if it is so doubled.

Mr. Freebairn: Are you suggesting some collusion has taken place?

Mr. HALL: No, Mr. Acting Speaker.

The DEPUTY SPEAKER: Mr. Deputy Speaker.

Mr. HALL: I apologize, Sir; you are certainly not acting.

The DEPUTY SPEAKER: Order! The honourable member, if he knows the Standing Orders, knows the difference between Mr. Acting Speaking and Mr. Deputy Speaker.

Mr. HALL: It has been openly stated that the parties concerned came to an agreement but I do not think there is anything underhanded in that.

Mr. McKee: In other words, it is not crook like most other things.

Mr. HALL: I do not say it is dishonest, but it is certainly to the financial advantage of the parties who reached the agreement.

Mr. McKee: Have you studied the second reading explanation?

Mr. HALL: Yes, I have it here. Again, I should appreciate a contribution to the debate from the member for Port Pirie if his Party does not gag him as they attempted to do early this morning. He had two members of his Party, one on each arm, whom he had to physically restrain. I hope the pressure will not be so great in this debate and that the honourable member will be able to contribute to it. The honourable member is the only member with betting shops in his district (I believe he has eight), and he may be able to give information on the Bill.

Mr. McKee: The Speaker has one betting shop in his district.

Mr. HALL: I bow to the honourable member's local knowledge. I am sure that after the redistribution of electoral boundaries these shops will be in the one district. Of course, we know that the shops are to be closed now that the motion for a totalizator agency board system of off-course betting has been successful and the Treasurer has given every indication that he will establish T.A.B. in South Australia. When this happens the honourable member will lose the betting shops in his district.

The second reading explanation refers to fractions and states that, although they are now not paid below 3d., for the new currency the sum will be 5c, or the equivalent of 6d. This will provide more revenue, but an agreement has been reached whereby a guarantee has been made that stake money, in exceptional circumstances, will be returned from a pool of money obtained from the non-payment of

fractions. After this guarantee has been met, charities are expected to benefit by an additional £5,000 a year, so instead of the £20,000 a year they will now receive a total of £25,000. Therefore, this is one part of the Bill that ensures that more money will be obtained from betting in South Australia.

As explained by the Treasurer, section 44 of the principal Act provides for a stamp duty of one halfpenny on every betting ticket. The existing equivalent of one halfpenny in the new currency will be five-twelfths of a cent, but it is proposed that the tax should be altered to two-fifths of a cent, which is slightly less than one halfpenny. The Treasurer went on to say that there would be a loss of revenue here of £1,000. I do not think any honourable member could reasonably quibble at the loss of this comparatively small amount on the conversion to decimal currency. I come now to the important question of the winning bets tax. The Treasurer said that he had discussed this matter with the Bookmakers League and the Betting Control Board, and he went on to say:

The present rate of tax is 3d. for each 10s. or fractional part of 10s., no tax being payable on a bet of less than 5s. It is proposed to vary this to provide that there shall be no tax on a bet of $1 (10s.) or less.

The new scale of charges will result in an overall loss of revenue of 3 per cent. That does not seem very much, but when one considers the huge amount of taxation obtained through the winning bets tax, one sees that it amounts to a considerable sum of money.

Mr. Casey: Was it a good tax in the first place?

Mr. HALL: We are not considering that at present. With the likelihood of T.A.B. coming to this State, it is possible that a different form of taxation will be implemented. I think the honourable member would agree that if possible, desirable amendments should be made to assist the betting public. Obviously, the State will look to more revenue from the racing fraternity.

Mr. Casey: This could be a forerunner, couldn't it?

Mr. HALL: We cannot anticipate TA.B. by-passing this legislation. Obviously, when T.A.B. is established, new financial arrangements will have to be made. We are dealing here with a reduction of taxation in this financial year.

Mr. Casey: Was it ever a fair tax?

Mr. HALL: We are not now considering the principle of the winning bets tax, and the time to make any amendments to that tax is when T.A.B. is implemented and not before. For the moment we must deal with the present system. By this Bill we are sanctioning a reduction in this taxation of £17,000 to the Crown and £6,000 to the club, making a total reduction in the winning bets tax of £23,000, and this at a time when nearly every other significant tax paid by a householder or fare paid by a person travelling to work is rising.

Mr. McKee: It is impossible to retain this tax under the T.A.B. system, and you know it.

Mr. HALL: The member for Port Pirie is either ahead of me, or behind me: he is not here at the moment on this question. We are not arguing whether or not the tax will be retained: we are arguing about its effect on February 14 next year. Does the honourable member think that we will have T.A.B. by then? The fact is that we are reducing significantly Government revenue this financial year, at a time when we are increasing it everywhere else, and that is a strange phenomenon. In Committee I will ask the Treasurer why these adjustments have not been made just a little the other way, if only to follow the increases in tax on services and necessities that have been imposed by other Government measures. To my way of thinking, the rest of the Bill is not controversial, its main purpose being to provide for the change-over to decimal currency next February. Why are we doubling the betting unit if the present unit is so popular and when it appears that we have the coinage to enable the present unit to be retained? Why are we reducing taxation here when we are increasing every other State tax? I hope the Treasurer can answer those two questions. I thought I heard an interjection from somebody, "Why should he be bothered?" I say he should be bothered, for he is the person responsible for collecting and spending all the State's taxation, and he is responsible to Parliament and to the people. Obviously, my support for the Bill will depend on the answer I receive to these two questions.

The Hon. FRANK WALSH (Premier and Treasurer): When I introduced this legisation I was fully aware of what in the past had been the most popular betting unit on the totalizator. I believe that the Wayville Trotting Club found it difficult to operate a 2s. totalizator, and it was recommended that the amount be increased to 2s. 6d. It was then 2s. 6d. in the totalizator with a quinella of 5s. The Bill provides for a 5s. bet in the totalizator. The Leader asked what proportion the proposed new rate of tax will take to winnings payable, and

said that at present the tax was about 3¾ per cent. The Leader is seriously in error in this statement. The present rate is 3d. for each 10s. or part thereof with an exemption of 5s. Therefore, allowing for the fact that a significant proportion of winnings would be in exact multiples of 10s. or £1, one might expect the average rate to be a little over 2½ per cent or barely an average of 1d. a winning bet of over 5s., less the offset through no tax at all on winnings up to 5s. For 1964-65, the gross winnings from all bets was £29,115,711, and the tax was £734,265. This is 2.522 per cent and is £6,372 in excess of a flat 2½ per cent. For the previous year the figures were similar. The Leader has accordingly overstated the yield by nearly one-half when he refers to 3¾ per cent. The new decimal currency scales will give a tax that is just over 2½ per cent when the winnings are an odd number of dollars plus some cents, and somewhat under 2½ per cent when the winnings are an even number of dollars plus some cents. The unders and overs would tend to balance, but as the winnings up to $1 would be free of tax, the overall average would be rather below 2½ per cent. An estimate has been made of 2.444 per cent as compared with a present 2.522 per cent, which would mean a loss of about £23,000 in gross revenue through the revised rates to adapt to decimal currency. Of this, about £17,000 would fall on the Government's share and £6,000 on the clubs' share of the winnings tax revenues, as indicated in the second reading explanation. The member for Gouger suggested that, when T.A.B. was introduced, the winning bets tax would not exist.

Mr. Hall: I did not say that it would go out. I said adjustments would have to be made.

The Hon. FRANK WALSH: Information I received from prominent members associated with the T.A.B. committee suggested that they wanted the tax to continue while they built up the T.A.B. system. That would be wrong, and this matter will be considered. I intend to leave Adelaide on January 11 by rail and proceed to Victoria. I shall be accompanied by the Under Treasurer and the Assistant Parliamentary Draftsman, and I will obtain first-hand information about T.A.B. and about how Victoria runs its lotteries. Because of the proposals for decimal currency, bookmakers who do not pay admission but bet in betting shops will pay differently on the tax compared with bookmakers operating at racecourses. The investment with the bookmaker on the flat at racecourses will be in multiples of 20c. Patrons will still be able to place 2s. bets in the present currency.

Mr. Hall: With bookmakers on the flat?

The Hon. FRANK WALSH: Yes. A person who places a 2s. bet on a horse that wins at 4/1 will not pay any tax. In the derby enclosure a patron will be able to have a 4s. bet to avoid tax and may win 8s. at even money. Betting at odds against, a person would have to pay a tax. Grandstand patrons will bet in dollar multiples, but will still be able to invest 5s. on the totalizator. The Under Treasurer and the Auditor-General conferred on the proposals before they were actually formulated. No tax will be paid on the first dollar (10s.) but 5c will be paid on any investment that returns more than one dollar (not including the third dollar, etc.). Patrons attending metropolitan courses (excluding the Victoria Park racecourse) will pay an admission to the flat enclosure, and will be able to bet in units as low as 20c (2s.). The Betting Control Board will exhibit in all enclosures the odds in decimal currency, what will be returned in the present currency, and what the tax will be, so that patrons will have an accurate calculation of dividends to guide them. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Totalizator on the flat."

Mr. HALL: I move:

In paragraph (*a*) to strike out "fifty" and insert "twenty-five".

The Treasurer said that patrons on the flat could place 2s. bets.

The Hon. Frank Walsh: That is, with bookmakers.

Mr. HALL: He also said that patrons wishing to place small bets would be catered for. When T.A.B. is established in South Australia the legislation we are now passing, providing for 50c, will have a far greater impact because totalizators will be used to a far greater extent. Many small bets are made on T.A.B. in other States because people wish to bet on many races.

Mr. McKee: What is the minimum bet in Victoria on T.A.B.?

Mr. HALL: I do not know. I intend to test the Committee on this question by my amendment.

The Hon. FRANK WALSH (Premier and Treasurer): I do not object to the honourable member's moving an amendment, but he should have analysed the position more closely. The unit of 2s. 6d., or a multiple

of it, was used on the totalizator as a popular choice. However, under the present currency 2s. 6d. is one-eighth of £1. After decimal currency is introduced, 50c will be a simpler unit than 25c. We stick to the "tens" principle throughout because it is so easy. The honourable member investigated T.A.B. in Victoria, and he will know that the unit there is to be 50c. The only time we come down to the 5c is for the purpose of taxation. The whole thing is designed for easy handling. This matter was closely studied, and to the best of my knowledge everyone considered the 50c unit to be the appropriate one. With the quinella, the unit is still to be 5s. or 50c.

Mr. HALL: I agree that the "tens" principle is an easy one. However, 25c is one-quarter of a dollar.

The Hon. Frank Walsh: It just won't work.

Mr. HALL: The Treasurer has not given me one good reason why it will not work. If it is necessary to stick to multiples of ten, why could we not have a 30c unit? I would accept that.

The Hon. FRANK WALSH: I said earlier that the 2s. 6d. totalizator unit was the most popular one in the present currency. However, when the South Australian Trotting Club at Wayville was using the 2s. manual totalizator it was found most difficult to operate. With the advent of the quinella system there, it was necessary to provide for the 5s. unit. The clubs found it necessary to stick to the one-eighth of £1 principle. With decimal currency we must forget that 12 pennies make 1s.

Mr. Hall: There is nothing wrong with a 25c unit.

The Hon. FRANK WALSH: It will not function properly with the totalizator. I ask the Committee to reject the amendment.

Mrs. STEELE: I sympathize with the point the member for Gouger is trying to make. For as long as I can remember, there has been provision in the women's stand for people to place a 2s. 6d. bet. Under this legislation, that facility will no longer be available, and I think there will be some resentment about that. It seems to me that this is just another instance of advantage being taken of the introduction of decimal currency to increase a charge. I support the member for Gouger, because I think the reasons he gave are cogent ones.

Mr. McANANEY: I, too, support the amendment. A quarter is one of the most popular and recognized units in America, and I cannot see that the Treasurer has yet explained the difficulty in providing for such a unit. We should encourage the use of as small a unit as possible, because otherwise people will be required to spend more on betting.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall (teller), Heaslip, McAnaney, Millhouse, Nankivell, Pearson, and Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, and Mrs. Steele.

Noes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Corcoran, Curren, Dunstan, Hudson, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Pairs.—Ayes—Messrs. Brookman and Teusner. Noes—Messrs. Clark and Hughes.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (5 to 8) and title passed.

Bill read a third time and passed.

PISTOL LICENCE ACT AMENDMENT BILL.

(Second reading debate adjourned on November 10. Page 2754.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Registration of pistol dealers."

Mr. HALL: Earlier I queried the 400 per cent increase in the fee for a dealer's licence. Will the Premier say how much revenue would be involved by increasing this charge so substantially?

The Hon. FRANK WALSH (Premier and Treasurer): People applying for a pistol licence must be investigated by the Police Department and, because of the time involved in observing this requirement, it is not unreasonable that the Police Commissioner should receive some return for the work undertaken by his officers. The former Chief Secretary who, I understand, knows something about firearms and the activities of rifle clubs, did not oppose this Bill in another place. I ask the Committee to support the clause.

Clause passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING CONTROL BOARD).

Adjourned debate on second reading.

(Continued from November 23. Page 2993.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): The Premier, in

making a significantly short second reading explanation of this Bill, said:

I have had a confidential talk with the Chairman of the Betting Control Board (Mr. Cleland), and he would like to have discussions with me from time to time regarding the activities of the board. The object of the Bill, therefore, is to bring the Betting Control Board under Ministerial control. Clause 3 amends section 34 of the principal Act so as to provide that in the performance of its duties and exercise of its powers it shall be subject to the directions of the Treasurer. Clause 4 inserts a new section 34a in the principal Act providing that in the exercise of its powers, functions, authorities and duties under the Act the board shall be subject to the direction and control of the Treasurer. It is not required necessarily that the Minister be the controlling authority, but rather that he shall be able to advise on the administration of the board's affairs.

For many years, whenever the Chairman of the board wished to have the Government's view on a matter of policy, he would come along and discuss that with me, but that did not make it necessary to bring the board under Ministerial control. If the Premier desires to proceed with the Bill, I believe it will be necessary for me to move an amendment in Committee, because of a particular phase of our betting laws. Part III of the Act provides for the control by the Commissioner of Police and by the Chief Secretary, and covers the whole of the operations of the totalizator.

Mr. Nankivell: Do you think the Bill would be better if it provided for control by the Chief Secretary?

The Hon. Sir THOMAS PLAYFORD: Of course it would. If we are going to have a Bill at all, the control should obviously be exercised by the Chief Secretary and by the Commissioner of Police and this applies even more as the Government intends to go into T.A.B. soon. The Lottery and Gaming Act provides for two types of control. Until now, the Act has always been considered to be within the prerogative of the Chief Secretary because of the licensing of the totalizator which is virtually the deciding factor on whether a race meeting can or cannot be held. Section 15 (1) provides:

The Commissioner of Police may, upon application made to him for the purpose, and subject to the approval of the Chief Secretary, issue licences to the committees or other executive bodies of racing clubs authorizing the use of the totalizator upon the terms and conditions prescribed by the regulations in the Second Schedule to this Act.

All the clubs subject to that part of the Act are set out, and it would obviously be better for the Chief Secretary to take control. The Betting Control Board functions only in relation to Part IV, which deals with the licensing of bookmakers. Members of the Betting Control Board must be temperamentally suited to the job. Therefore, the Minister controlling the board must have the same qualifications if he is to carry out the functions set out in detail in section 34, which provides:

(1) For the purpose of this Part there shall be constituted a board to be known as the Betting Control Board.

(2) The board is charged in the performance of its duties and exercise of its powers hereunder with the duty of controlling betting in such a manner as is reasonably consistent with the welfare of the public generally and the interests of persons and bodies liable to be affected thereby.

In pursuance of this duty, the board shall so restrict the number of premises registered under this Part and shall so regulate and control such premises, as to provide only such facilities for betting as are reasonably necessary in the public interest.

(3) Upon the passing of the Lottery and Gaming Act Amendment Act (No. 2) 1938, all the present members of the Betting Control Board shall retire.

That was because they were judged to be not particularly suited to the control of betting but more suited to its encouragement. They were to retire and a more sober-minded organization was to be formed. Section 37 (1) provides:

The board may make rules as to all or any of the following matters—

which means that the board, now subject to the Treasurer, shall make rules on these matters and carry out these functions—

(*a*) the licensing of bookmakers, bookmakers' clerks and bookmakers' agents and the number and classes of licences to be issued:

(*b*) the terms and conditions upon which licences may be obtained, and which are to be observed by the holders of licences:

(*c*) the conduct of bookmakers and their clerks and agents:

(*d*) the regulation and control of betting by and with bookmakers:

(*e*) requiring licensed bookmakers to give security for the due observance of this Part and the rules, and of terms and conditions of their licences:

(*f*) the registration of premises upon which licensed bookmakers may bet and the terms and conditions of registration and the duration, suspension, and cancellation thereof:

(*g*) the suspension and cancellation of licences:

(*h*) requiring bookmakers to keep accounts and records and to make the same available for the board's inspection from time to time and furnish to the board weekly, annual or other

returns of their transactions, and prescribing the form of and all matters relevant to such accounts, records, and returns:

(*i*) prohibiting or restricting advertising by bookmakers:

(*j*) the general administration of this Part:

(*k*) imposing fines recoverable summarily for breach of any rule:

(*l*) the issue, renewal and transfer of bookmakers' licences:

(*m*) appeals to the board under this Act and the procedure thereon:

(*n*) prescribing fees with regard to any of the matters mentioned in the Fifth Schedule to be paid to the board.

It is therefore completely and utterly undesirable that a Minister of the Crown should have any direct control over the issue of bookmakers' licences. I do not intend to move that the Bill be amended to provide for control by the Chief Secretary, because it would be just as inapplicable for him to have the duty of considering the registration of bookmakers. This matter should be subject to a well chosen board. The Bill is unnecessary and no case has been made out for it.

Mr. Shannon: Did the board ever give you occasion to intervene at any time?

The Hon. Sir THOMAS PLAYFORD: In relation to bookmakers, most certainly not. If a Minister of the Crown has the duty under the Act he will be in an intolerable position. I think we can all well imagine the propaganda that is spread around when people are seeking licences. Questions have been asked in this House as to why a certain bookmaker has not been licensed. These powers are not necessary, and no case has been made out for them. I am sure the Betting Control Board has functioned satisfactorily over the last 25 years without the need for the oversight of a Minister.

I believe that this legislation is unnecessary and that it would be unwise to introduce it. If the Premier had taken the trouble to look at what was involved in this, he would have found that he was taking on something that was injudicious for a Minister of the Crown to take on. To have the Premier of the State issuing licences or in any other way being involved in the question of bookmakers' licences is not desirable. I know the member for Enfield would say that the Premier would not want to do it, and I accept that. But what happens? The board calls for applications for licences; some bookmakers receive licences and some do not; and the ones who do not get them will read the Act and say, "We will go to the Premier." The Premier will then have to become involved in this matter because he will be placing himself in a position where he becomes the arbitrator, the person who directs the board.

Mr. Hall: He could be awarding concessions for personal profit.

The Hon. Sir THOMAS PLAYFORD: Yes, and I say that is completely undesirable. No case has been made out for this legislation, and I ask the House to reject it.

Mr. SHANNON (Onkaparinga): I thoroughly agree with the principles laid down by my Leader regarding the undesirability of a Minister's carrying out such a function as this in any circumstance. I know of occasions when a licensed bookmaker on the flat has sought to obtain a licence to operate in the derby, and a derby bookmaker has sought a licence to operate in the grandstand. Finally, of course, these matters are resolved by the board, which comprises a group of people who are above suspicion, and I think that is the wisest course. I have not heard of a single case where a grave injustice has been done in the issuing of licences. As the member for Gouger correctly interjected a moment ago, this is an office of profit for bookmakers, who are out to make money, and there is no doubt that they make money. The securing of a licence, especially to operate in favourable positions, is a great advantage. The derby is such a favourable position, and what is known as the rails position on some courses is probably the most favourable of all.

I believe the risks are always weighted against the man who puts his money on the horse. The bookmaker is certainly always on the right side with the odds, for he only has to compete with the totalizator from which various amounts have to be deducted before the totalizator dividend is declared. Therefore, generally speaking, this bookmaking business is very profitable. I consider that in no circumstances is Ministerial intervention in such a matter desirable. The Premier referred to the men who missed out on licences. I can well imagine the embarrassment that would be caused to the Minister who has to exercise this control. In any case, it is not a one-man task to make a decision in such a matter. We have a board comprising men whose integrity and impartiality are beyond suspicion, and it is for them to judge the relative merits of the applicants. Surely that is the best arrangement. Unlike some of the old starting price bookmakers, the men who become licensed are not men of straw, or at least they should not be. The board has to govern in such a way that it ensures that the man who lays a wager

and wins a fairly handsome profit is paid his winnings. A bettor can take his ticket to the board and be assured of getting his money. If there has been any attempt by a bookmaker to evade payment of a proper bet, the board can see that that bookmaker is delicensed or warned that he will be delicensed if he transgresses again. These are somewhat knotty and sticky problems at best; I could not be mixed up in such a situation, and I could not imagine any Minister wanting to be involved. Such matters should be left to the people who understand the running of these things. I have heard no complaints about the present board, hence I agree with the Leader that we would be wise to retain the present procedure, which has operated successfully for many years.

The House divided on the second reading:

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

Noes (15).—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Rodda, Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Clark and Hughes. Noes—Messrs. Brookman and Teusner.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Betting Control Board."

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I move:

To strike out "and in accordance with the directions of" and insert "having discussions with".

This would put the clause in the form in which the Premier put the matter when explaining the Bill. The Premier and the Chairman have had discussions; the Chairman liked them and would like to have more.

Amendment negatived.

The Committee divided on the clause:

Ayes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Corcoran, Curren, Dunstan, Hudson, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Noes (15).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Sir Thomas Playford (teller), Messrs. Quirke, Rodda, Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Clark and Hughes. Noes.—Messrs. Pearson and Teusner.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 4—"Ministerial control."

Mr. SHANNON I move:

In new section 34a to strike out "direction and control" and insert "advice".

Strong language is used in this clause. The board has to protect the public from what people in the racing world call "welchers". Another important function of the board relates to the suspension, cancellation, or even the licensing of bookmakers. If those functions are to be under the control of the Premier, we obviously do not require a board. My amendment will at least indicate to the board that Parliament does not envisage the board's abdicating. I do not deny the Premier the right to proffer advice.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, and Nankivell, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon (teller), and Mrs. Steele.

Noes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Corcoran, Curren, Dunstan, Hudson, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Pairs.—Ayes—Messrs. Pearson and Teusner. Noes—Messrs. Clark and Hughes.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from* 6.1 *to* 7.30 *p.m.*]

CITRUS INDUSTRY ORGANIZATION BILL.

The Hon. G. A. BYWATERS (Minister of Agriculture) 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 relating to the organization of the citrus industry and the marketing of citrus fruit and matters incidental thereto.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): As I understand that this Bill is based on the report of a committee examining the citrus industry, can the Minister say when he expects the report to be available to the House for consideration of the legislation to be introduced?

The Hon. G. A. BYWATERS: Yesterday the member for Burra asked whether the report would be available today and I pointed out

the difficulty facing the Government Printer with the quantity of work from the House. I am pleased to say that upon my special request the Government Printer has done much extra work to ensure that the report would be available before the legislation was introduced. The report is now being circulated amongst members so that it will be available for perusal at their leisure. I hope that the House passes the Bill soon.

Motion carried.

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

The Hon. G. A. BYWATERS: I move:

That this Bill be now read a second time.

It gives effect to the report of the Committee of Inquiry into the Citrus Industry which was presented to me last month and laid on the table of this House. In brief, the findings of the committee were that:

(1) the citrus industry in this State lacks effective organization and co-ordination.

(2) seventy per cent of fresh citrus fruit sold in the State is marketed in a most unorderly manner with no contribution to the welfare of the industry.

(3) legislation should be passed as a matter of some urgency to provide for an orderly system of marketing in the industry.

The Government hopes that the other States will follow our lead with this legislation because statutory organization of the citrus industry on an Australia-wide basis would mean the greatest benefit to the industry as a whole.

As the long title indicates, the Bill provides for organization in the citrus industry and for an orderly system of marketing by the establishment of a committee to be called "The Citrus Organization Committee of South Australia", and which will have plenary powers to control and regulate citrus marketing in this State. Turning to the provisions of the Bill in detail, clause 1 contains the short title and clause 2 provides for the Bill to become law on a day to be fixed by proclamation. This will enable necessary regulations and appointments to the committee to be made.

Clause 3 deals with the arrangement of the provisions of the Bill and clause 4 provides for the repeal of the Citrus Marketing Act, 1931, which was not voted into operation. Clause 5 contains definition of terms used in the Bill. By virtue of the definition of the term "marketing" the scope of the Bill will be limited to sales by wholesale and, except for fixation of prices, retail selling will not be controlled. Clause 6 excludes the harvesting by a grower of his own citrus fruit from the application of the Bill so that other provisions of the Bill, which I shall explain later, will not require him to be licensed for this purpose. Clause 7 is an interpretative clause providing that if, by reason of the Commonwealth Constitution, a provision of the Bill or an order or notice thereunder cannot validly apply to all citrus fruit according to its tenor, it will be construed as applying only to citrus fruit to which it can validly apply.

Clause 8 provides for the establishment of "The Citrus Organization Committee of South Australia" as a body corporate. Under clause 9 the committee will consist of seven members to be appointed by the Governor. They will be four elected grower members (referred to in the Bill as "representative members") two other persons who, in the opinion of the Governor, have extensive knowledge of and experience in industry and commerce, and an independent chairman, the last three members being appointed after consultation by the Minister administering the Act with the four grower members. Subclauses (3), (4) and (5) are normal machinery provisions. By virtue of clause 10 the first four grower members of the committee will not be elected but will be selected by the Minister from nominations supported by 20 or more growers. In view of the grower support which I have found for this Bill, the Government considers it unnecessary that the grower members of the first committee should be elected and that the committee may proceed to a more speedy despatch of its business if the Minister may, in the first instance, select the four grower members thereof.

Clause 11 deals with the election of grower members of the committee. They will be elected by growers, each being nominated by 20 growers. Elections will be conducted by the Assistant Returning Officer and will be necessary whenever a grower member retires from office or whenever there is a casual vacancy in his office. Clause 12 provides that in the case of a grower, which is a company, the company may nominate a person to vote on its behalf and who may himself be elected to the committee. Clause 13 provides for a register of growers to be kept for the purposes of elections and polls provided for by the Bill. Clause 14 provides that each member of the committee will hold office for two years with the following exceptions: in the case of the Chairman, the Governor may, in the instrument of his appointment, specify some other period as his term of office, and in the case of two of the first four grower members, to

be determined by lot, they will hold office for one year. Thus there will be two grower members who retire from office each year.

Clauses 15, 16 and 17 make the usual provision for casual vacancies, that members of the committee, as such, will not be deemed to be public servants, and the usual provisions dealing with meetings of the committee. Clause 18 provides for remuneration and expenses of members of the committee and clause 19 provides that the committee will not be an instrumentality of the Crown. Clause 20 is one of the principal provisions of the Bill enabling the committee to control all aspects of citrus marketing. The clause empowers the committee to issue licences to any person proposing to act in any way in the marketing of citrus fruit, the licences being granted according to the respective functions which the applicant desires to carry on, but no licences will be necessary for the harvesting by a grower of his own crop of citrus fruit. If the applicant furnishes the relevant information and complies with requirements prescribed by regulations, he will be entitled to a licence and the only ground on which the committee may refuse a licence is that the committee considers it undesirable that in the interests of the citrus industry the licence should be granted. Upon a refusal to issue a licence there will be a right of appeal to the Supreme Court. The licence may contain terms and conditions relating to the marketing of citrus fruit and will remain in force for a period of 12 months but may be renewed. Subclause (4) is a normal provision enabling the committee to cancel or suspend a licence if the licensee fails to comply with the provisions of the Bill or of any condition to which the licence is subject. Subclause (7) provides for a penalty of £200 if a licensee contravenes a condition to which the licence is subject.

In clause 21 the general powers of the committee are set out. The most important of these are that the committee may itself undertake or arrange for the marketing of citrus fruit and citrus products, it may regulate and control the marketing of citrus fruit, raise moneys by imposing charges as provided by clause 23, employ officers, inspectors, agents and servants for the purposes of the Bill and may regulate and control the use of brands and trade-marks in the marketing of citrus fruit. Also by virtue of paragraph (*l*) of subclause (1) and subclauses (2) and (3) the committee may delegate certain powers, but these do not include the powers to issue licences and marketing orders, to impose charges and to employ its staff. The power to delegate is considered necessary for the more efficient performance of day-to-day functions of marketing.

Clause 22 is another most important provision of the Bill which enables the committee to issue marketing orders. These orders may fix quantities or the proportion of a crop of citrus fruit which may be delivered or sold to such person or persons as are nominated by the committee. This clause also confers a right to sell citrus fruit to the committee as well as its nominees, but this is solely for technical reasons of law and it is not anticipated that this right will be exercised or that the committee will itself enter into any marketing transactions. By virtue of marketing orders issued under this clause, the committee will have complete power to regulate and control in such manner as it deems fit the entire marketing of citrus fruit until sold by wholesale and, under paragraph (*d*) of subclause (1), the committee may fix wholesale and retail prices and the rate of commission at which citrus fruit may be sold. Subclause (2) of this clause provides that marketing orders may extend to products of citrus fruit and may make different provision for citrus fruit of a particular type, variety, count, grade, quality or quantity and may contain terms and conditions relating to presentation for sale, inspection of citrus fruit, advertising and promotion of sales, and practices which in the opinion of the committee are detrimental to the citrus industry. Subclause (3) is a machinery provision, and subclause (4) provides for a penalty of £200 if any person fails to comply with any direction in an order which is applicable to him.

By virtue of clause 23 the committee may impose a charge, not exceeding 2s. a bushel, for the purpose of meeting the cost of administration, and may impose an additional charge, not exceeding 2s. a bushel, to create an equalization fund for growers suffering loss on the export market. This clause is modelled on a corresponding provision of the 1931 Act. Under clause 24 the committee may require returns from growers and licensees either generally or from particular growers or licensees. The returns may require particulars of citrus fruit of a certain type, variety, count, grade, quality and quantity, which is delivered to a licensee, and in the case of a grower may require details of the number of trees which he is growing for the production of citrus fruit, and an estimate of his crop. Subclause (3) provides

for a penalty of £100 if any person refuses to comply with any requirement under this clause.

Clause 25 provides that the committee, in exercising its powers under the Act, must act to the best advantage of the citrus industry. Clause 26 deals with the duty of a licensee to accept delivery of any citrus fruit which is delivered to him pursuant to the Bill, and provides that he may refuse to accept delivery only if the citrus fruit fails to comply with any prescribed requirements. If he so refuses to accept delivery, he must issue a certificate of refusal. Clause 27 confers on inspectors power to enter lands on which citrus trees are grown and to enter buildings in which citrus fruit is packed, stored or offered for sale. An inspector may inspect and take stock of the citrus trees, inspect accounts, books and documents and make copies of them or take extracts from them. Subclause (2) provides for a penalty of £50 if an occupier of any such land or building does not provide the inspector with all reasonable facilities and assistance. Subclause (3) provides for a penalty of £50 for a person who obstructs or interferes with an inspector in the exercise of his powers under this clause.

Clause 28 provides for a register of brands and trade marks to be kept, and also that the committee will have a discretionary power to register brands and trade marks for use in the marketing of citrus fruit. By virtue of subclause (4), a person must register a brand or trade mark which he proposes to use in marketing of citrus fruit, or must obtain the approval of the committee if he proposes to use any brand or trade mark under licence. If a person permits another person to use his brand or trade mark for any such purpose, he will, unless the approval of the committee is first obtained, be guilty of an offence punishable by a penalty of £100. Clause 29 provides that any arrangements or contracts, the purpose or effect of which is to evade the operation of the Act, will be void and of no effect.

Clause 30 contains two important provisions providing for offences in connection with the marketing of citrus fruit. If a person buys direct from a grower any citrus fruit which has not been sold and delivered as provided by the scheme of the Act and thereupon offered for sale, he will be guilty of an offence, the penalty being £100. Also if a person does any other act, matter or thing included in the marketing of citrus fruit without being duly licensed as provided by the Bill he will be guilty of an offence, the penalty being £200. Clause 31 provides for exoneration of any of the members of the committee for any acts done in good faith. Clause 32 requires the committee to keep accounts and provides that the accounts will be audited by the Auditor-General. Clause 33 provides that proceedings for offences against the Act will be disposed of summarily and may be commenced at any time within 12 months after the commission of the offence. Clause 34 contains plenary powers for regulations to be made giving effect to the objects of the Bill. Clause 35 contains a necessary financial provision enabling the Treasurer to advance such moneys as may be necessary for the establishment of the committee. Clause 36 provides that a poll may be held every two years on whether the Act should continue in operation.

In view of the grower support which I have found for this Bill, the Government considers it unnecessary that there should be a poll for bringing the legislation into operation, but that it is desirable that growers should be able, every two years, to vote for the winding up of the committee if they desire to do so. Accordingly, the clause provides that every two years a petition signed by 100 growers may be presented to the Minister administering the Act on the question whether the Act should continue in operation. If two-thirds of the growers voting at the poll vote against the continuance of the Act, the Governor will, by proclamation, appoint a liquidator to wind up the committee, and will fix a day or successive days on which the provisions of the Act will expire. Clauses 37, 38 and 39 contain machinery provisions relating to the winding up of the committee and the expiration of the Act.

In commending the Bill to the House, I wish to make one or two further points. I believe that the citrus industry and the State generally should be grateful to the committee that inquired into the industry. The members of that committee executed the task set them with all possible zeal, enthusiasm, sincerity, and diligence. As the Minister of Lands at the time, I had some association with the committee, and I found that at all times it was most anxious to do all in its power to present a report that would be in the interests of the citrus industry generally. The findings of the committee have been received by citrus growers throughout the State with great enthusiasm. When I was at Loxton last week some growers told me that they were awaiting with interest the introduction of this Bill. They hoped it would have a speedy passage through both

Houses, so that it might operate as soon as possible.

It is true that last year there was a somewhat lighter crop than that of the previous year and possibly that of two years before that. However, it is expected that in the forthcoming season, with all the conditions being favourable, there will again be a heavy crop. That being so, there will be some difficulty in disposing of next season's crop. Therefore, this Bill is being eagerly awaited by the growers, who hope that this committee will function next season. I have been told by the representatives of the Murray Citrus Growers Association and the Australian Primary Producers Union that those bodies have accepted this report in its entirety, that they were pleased to have had the findings presented to them, and that they are very keen to see those findings put into operation. I realize that much time was taken by the committee in its deliberations. Of necessity, it had to consider the matter fully and to take evidence from growers, packers, and people generally interested in the citrus industry in this State. It travelled to other States and saw the marketing of citrus there. It discussed with people in Queensland the marketing legislation that applied in that State, and the committee was most impressed by the knowledge it gained from those visits. New Zealand, one of the main countries to which we export, sent representatives to give evidence before this committee. All these factors led to the compiling of the report, and I know how hard the committee worked, the hours it put into the job, and the distances and time it spent travelling to get evidence and complete the job. The committee provided the report which, I regret to say, was made available to the House only today, but that was not the fault of the committee or the Government Printer, who did his utmost to ensure that the report was available.

The committee also greatly assisted in the preparation of the Bill and in the wording of the second reading explanation. With the sanction of the Attorney-General, the Parliamentary Draftsman was most co-operative and he went out of his way to see that the Bill was presented this session. I appreciate the co-operation given by him, by the Attorney-General, and his staff generally. There are other people that must naturally be thanked. In the first instance when I knew this committee was operating, I asked its members if they would continue on the committee when this Government was appointed, as they had under the former Minister of Lands, the member for Burra. I said then and also when it presented its report, that I appreciated that this committee was set up by the then Minister of Lands, the member for Burra. I have given him credit on many occasions and spoke about him at the annual meeting of the A.P.P.U. This venture has been a joint co-operative effort and this augurs well for the future. Any industry must prosper if there is the full co-operation between the growers, packers, merchants, and all others associated with the industry. From what I have read, from the knowledge I have gained, and from what I know of the future constitution of the committee to control this industry, I am sure that co-operation will be uppermost in the minds of all.

All parties have been anxious to see that the Bill has a speedy passage through Parliament. They all realize that they have had problems, that in the last two years they have sold at less than the cost of production, and that, if they continued to do so, they could not remain in business. Citrus fruit in South Australia is a major part of our fruitgrowing industry. Because of this and because of the increased production, it is evident that, unless co-operation exists and control of the industry is forthcoming, the next year will be as bad as were the seasons two years ago and two years prior to that. I apologize if I have not referred to anyone that I should have. I shall have much to do with the functioning of this committee and I assure the House that, although its appointment is not that of a grower-elected committee in the first instance, that will come in the future. However, we have to expedite the matter so a grower-selected committee will be appointed. I am sure that the best personnel available will be appointed to it. I commend the Bill to the House, and trust that its passage will be expedited, and that it will give stability to the industry.

Mr. QUIRKE secured the adjournment of the debate.

INHERITANCE (FAMILY PROVISION) BILL.

Returned from the Legislative Council with amendments.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

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

JUVENILE COURTS BILL.

Adjourned debate on second reading.

(Continued from October 14. Page 2177.)

Mr. MILLHOUSE (Mitcham): This Bill collects together a number of provisions relating to juvenile courts (which at present are found in different Acts), and alters the law relating thereto. I am happy to say that I support the second reading. I intend to refer to three matters contained in the Bill which, I think, are either departures or matters worthy of consideration. I refer to them now not necessarily because I disagree with them, although I do query one or two details. Clause 38 deals with the power of a juvenile court to disqualify a child from holding or obtaining a driver's licence. At present, under the Road Traffic Act, any court has power to disqualify a person from holding or obtaining a driver's licence, where a motor car has been involved in the commission of any offence, not necessarily a driving offence.

One of the most common, alas, of these incidents nowadays is when young people in motor cars commit the offence of indecent assault. This clause is a departure because, it seems to me, it provides for disqualification of a juvenile as a penalty, straight out, whether a motor car has been involved in the commission of an offence or not. If the court believes this would be an appropriate punishment to inflict on a juvenile for any offence, it has the power, pursuant to this clause, to impose a period of disqualification. Subclause (1) states:

> In addition to the powers of a court of summary jurisdiction contained in the Road Traffic Act, 1961-1964, or any other Act, to make an order disqualifying a person from holding or obtaining a licence to drive a motor vehicle, a juvenile court may, in addition to any other order it may make upon a charge for any offence being proved against a child, make an order disqualifying the child from holding or obtaining a licence to drive a motor vehicle . . . if the court is satisfied, having regard to all the facts and circumstances before the court, that the child is not a fit and proper person to hold or obtain such a licence.

Personally, I think there is much to commend that provision. One knows that the liberty of being allowed to drive a car is valuable to people, and not the least to young people between 16 and 18 years of age. Of course, only boys and girls between those ages will be affected by this provision. Clause 40 empowers a juvenile court to order compensation or restitution; it empowers a court to order the payment either by the child, by a parent, or guardian of a sum up to £200 as compensation or restitution in respect of damage or loss. There is already a similar provision in the Road Traffic Act with regard to motor vehicles, the difference between the two being that, in the case of the Road Traffic Act, there is no limit, so far as I am aware, to the compensation that may be awarded. That stands to reason; a motor vehicle worth, say, £2,000 may be smashed up, and it is only right that compensation commensurate with the damage caused should be awarded. I really cannot see why in this case an upper limit of £200 is placed on the compensation that can be awarded. It is not difficult to imagine cases, apart from motor vehicles, in which the damage done could well be over £200.

The Hon. D. A. Dunstan: It is a departure from the common law principle of responsibility.

Mr. MILLHOUSE: The responsibility for making the order for compensation still rests with the court, does it not?

The Hon. D. A. Dunstan: Yes, but in the case of wilful damage by a child, normally, you would not get damages against the parent; but here you could, not only on proof of liability, but in the court's discretion.

Mr. MILLHOUSE: Am I to assume that, because this is a new departure, it has been thought wise not to go as far as it could have gone?

The Hon. D. A. Dunstan: Yes.

Mr. MILLHOUSE: It may not be a bad idea, although I still cannot see any good reason why it should be so. The other significant departure seems to be in clause 64, which deals with a matter with regard to which the community has become extremely sensitive in the last few weeks, namely, the restriction on reports on proceedings of juvenile courts. Under the present Juvenile Courts Act there is a similar (but not the same) restriction on the reporting of proceedings in a juvenile court. That has been accepted for many years. A juvenile court is not the same as other courts, and, therefore, there should be some restriction. What worries me in this case is the subtle change in the wording of the two provisions. Clause 64 refers, I think entirely, to the publication by newspaper, radio or television of the result of proceedings in the court. Subclauses (1) and (2) state:

> (1) Unless otherwise ordered by the court before which the proceedings are held, the result of any proceedings in a juvenile court or the result of any proceedings in the Supreme Court on an appeal or committal from a juvenile court may, subject to this section,

be published or reported in a newspaper or by radio or television.

(2) Unless permitted by virtue of an order of the court under subsection (4) of this section, a person shall not publish or report, whether by newspaper, radio, television or otherwise, the result of any proceedings in a juvenile court or of any proceedings in the Supreme Court on an appeal or committal from a juvenile court revealing the name, address or school,—

or, if I may summarize the remainder of the subclause, particulars that would identify the person against whom the proceedings are taken, or in respect of whom the proceedings were taken. Clause 64 of the Bill deals only with the publication of the results of the proceedings, whereas section 12 of the Act deals with the report of the proceedings themselves. I do not know the Attorney's intention in this matter or what the implication might be, but it seems that there is not a prohibition against the publication of the report of the proceedings; the only thing that seems to me to be forbidden is the publication of the result. I do not know the significance of this. This is a matter on which the press is particularly sensitive, and rightly so. I believe the Attorney owes honourable members a little clarification on the matters to which I have referred. I shall refer to many smaller points during the Committee stages, and ask for clarification. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—''Interpretation.''

Mr. MILLHOUSE: The definition of ''metropolitan area'' seems a little unusual. There are extant many definitions of the metropolitan area. This definition provides:

(*a*) that part of the State which is within ten miles of any part of the City of Adelaide or of the City of Port Adelaide; and

(*b*) any other part of the State declared by proclamation to be included in the metropolitan area for the purposes of this Act.

That definition could include Oodnadatta, which would be absurd but which is possible. Paragraph (*a*) is a little unusual and I suppose it is designed to take in Gawler, Elizabeth and Salisbury. Also, the year 1965 has cropped up several times in the Bill in references to Acts. That must be a drafting error and I should like the Attorney to put it right.

The Hon. D. A. DUNSTAN (Attorney-General): The reason for the definition of the metropolitan area in this way is to take in the areas covered by the courts at Adelaide and Port Adelaide, and by other suburban courts. This will include all the areas which, at the moment, would be dealt with by the juvenile court sitting at Adelaide. We wanted a general inclusion for the purposes of the Adelaide court which, in fact, will have certain powers going beyond those of other juvenile courts. I will have to check on the other point raised by the honourable member. I think we have had amendments to the Juvenile Courts Act in other Bills such as the Maintenance Act Amendment Bill.

Mr. Millhouse: None of those has been passed.

The Hon. D. A. DUNSTAN: I hope they may be. If they are not I do not think it will mean anybody will be worse off in the law as far as this clause is concerned.

Clause passed.

Clauses 6 to 8 passed.

Clause 9—''Panel of justices for juvenile courts.''

Mr. MILLHOUSE: This clause deals with the panel of justices of the peace to sit in juvenile courts, and there is a panel already. In view of his other plans for justices of the peace, does the Attorney-General intend to alter this panel? Also, I suppose it is hard to find a better yardstick in subclause (2) than the opinion of the clerk of the court of summary jurisdiction whether there are justices available.

The Hon. D. A. DUNSTAN: Eventually there may be some changes concerning the panel following the institution of having justices as a quorum. That will not take place for some time because we have to get the courses under way. The *Magistrate's Handbook*, being prepared by Mr. Marshall, is not ready yet, although it may be early next year. The courses will be based on the handbook and will be commenced some time in 1967 at the earliest.

Clause passed.

Clauses 10 to 47 passed.

Clause 48—''Power to apprehend neglected or uncontrolled child, etc., without warrant.''

Mr. MILLHOUSE: This clause contains what appear to be, and what in fact are, sweeping powers. I did not refer to them in the second reading debate because these powers have already been embodied in other Acts; for instance, in the Maintenance Act of 1926. They are sweeping in their effect, for they are powers to enter without warrant, to apprehend a child, and so on. We have had them for a long time, and for that reason I suppose one cannot oppose them. Had they been new, however, I certainly would have

opposed them. I rise now merely to mention this fact to the Committee in case any other member queried them. They seem to have stood the test of time, so apparently they are all right, and that is why I am not making an issue out of it. I merely direct members' attention to those powers.

Clause passed.

Clauses 49 to 51 passed.

Clause 52—"Court may receive reports as evidence in certain cases."

Mr. MILLHOUSE: I move:

In subclause (1) after "(if present in court)" to insert "or their counsel or solicitors".

Mr. Chairman, there seems to be a rather important omission in this clause. Subclause (1) states:

. . . and the contents of such report shall be made known to the child charged and his parent or guardian (if present in court) who shall be permitted to cross-examine such member or officer thereon.

I would have thought, depending on what the Attorney says, that the words "or their counsel or solicitors" should be included there. They have been included in other clauses, notably in clause 33, and here rather more than anywhere else, where there is the right to cross-examine, one would think their inclusion was necessary.

The Hon. D. A. DUNSTAN: I doubt that the inclusion is necessary, because I think that what is communicated to the client is therefore communicated to his legal representative. I do not think it is a necessary insertion, but if the honourable member wants to insert the words I would be prepared to accept the amendment. Sometimes the parties have different solicitors, and their interests are not always *ad idem*.

Amendment carried; clause as amended passed.

Clauses 53 to 63 passed.

Clause 64—"Restriction on reports of proceedings of juvenile courts."

Mr. MILLHOUSE: This is the only clause on which I have serious misgivings. The form of this clause is different from the present section. I am not sure of the Government's intention, but it is strange merely to prohibit publication of the result of proceedings without a corresponding prohibition on the publication of the report of proceedings.

The Hon. D. A. DUNSTAN: The difference in the provisions turns on the change made by clause 56 which we have agreed and which replaces section 11 of the Juvenile Courts Act. Under the existing section newspaper reporters have the right to be in court during proceedings. They will now not have the right to be in the court, but this clause gives them the right to publish the results of proceedings subject to restrictions on the names of juveniles concerned, except where the court specifically releases the name for publication which it may do as part of the penalty. In fact, newspapers will not have available to them the details of proceedings because reporters will not be in the court. They will have results of the cases, but may not publish the name or details identifying people before the court, except where the court specifically releases the name or details. That is why the Parliamentary Draftsman recommended this change.

Clause passed.

Remaining clauses (65 to 68), schedule and title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 23. Page 2993.)

Mr. COUMBE (Torrens): This is one of the most important measures functioning in our industrial world today, because it affects so many thousands of men and women in this State in so many walks of life. At the outset, I accept certain features of the Bill. Other members and I have had considerable personal experience with many of the matters to which this legislation relates. Any action we may take under the Bill preserves the rights of both parties concerned. The Bill contains minor machinery and consequential clauses dealing with the transposition of the words "or" and "and", which seems simple but is really important. It seeks also to substitute the word "injury" for "accident"—

Mr. Millhouse: Which widens it!

Mr. COUMBE: Yes, and the schedule is also affected. South Australia has a long history of legislation of this type, and in recent years we have seen improved conditions, a wider scope of benefits, and higher rates of compensation, etc. We have witnessed a more enlightened approach to this important subject. More particularly, rates have been

increased and journeys have been considered at length. We have progressed—

Mr. McKee: Resulting from the pressure of the former Opposition!

Mr. COUMBE: —by legislating for apprentices, for medical treatment, and for transport provided by the employer or by arrangement with him. For some years we had a workmen's compensation committee to advise the Government of the day, and I should have appreciated a report or recommendation from that committee in respect of this Bill. I wonder why such a report has not been forthcoming. That committee represented both sides and, as far as I know, still functions, comprising the Parliamentary Draftsman (Dr. Wynes) as Chairman, Mr. Moxon Simpson as the employers' representative for many years, and Mr. L. Johns for the employees. Is this committee to function in the future? I believe that some type of machinery should exist for regular round-table conferences to be held to consider anomalies arising from time to time under this type of legislation, and also to consider new conditions as they arise, so that both points of view (of employer and employee) can be discussed, and recommendations made to the Government of the day.

Workmen's compensation is of such vital importance to everyone concerned that the machinery should be available to conduct constant reviews, even if it involves only rates, and to take account of changing conditions and various types of operation. The committee should ensure that all employers and insurance companies comply with the Act, so that the interests of both sides may be properly safeguarded. I hope the Government makes a decision along these lines. Many disputes have occurred in the past because it has been claimed that, as an accident did not arise out of and in the course of employment, an employee was not entitled to workmen's compensation. I emphasize "out of and", for the Bill provides that employees shall be covered in respect of injuries arising "out of or" in the course of employment. As I have said, disputes have occurred because a narrow interpretation has been placed on these disputes and some employees have not, in the past, been entitled to compensation. With this rephrasing, I believe these anomalies will be overcome. Of course, this means that in addition to the cover already provided in the Act the employee will be covered normally in respect of all accidents whilst he is lawfully on the premises of the employer or at the site of a job, and the accident or injury is not due to his own serious and wilful misconduct. That means, in essence, that it covers almost all likely occurrences.

Although it is not contained in specific clauses in the Bill, the question of premiums is touched on. Under the Act, all employers are compelled to insure their employees with an insurance company. I suggest that a premiums committee could well be established to determine from time to time the maximum premiums that may be charged by insurance companies for workmen's compensation insurance. Of course, that provision is already included in the Act in respect of the Crown where it employs men, and provision is also made for approved larger companies to cover their own workmen's compensation where the terms and benefits are either at least equal to or better than the provisions in the Act; that is, companies that have the approval of the Treasurer under the Act. Although the Act provides that it is compulsory for all employers to arrange workmen's compensation insurance for their employees, there appears to be no obligation for employers to cover claims arising from their negligence. Although today the practice is growing for more and more employers to take out voluntarily additional common law policies (a practice which I heartily endorse and to which I subscribe), still we have this condition. It means that the ability of an employee to recover damages from his employer might be prejudiced in some cases by the employer's inability to meet a heavy judgment for damages where negligence on the part of the employer is involved. That is why I suggest to the Government that it consider making it obligatory for all employers to have adequate insurance against their total liability, in all circumstances, to all their employees.

In connection with the insurance companies I believe that, in order to safeguard the interests of both the employers and the employees, consideration could also be given to this aspect: that is, that insurance companies that wish to transact workmen's compensation business (whether it is profitable or not I do not know and I am not particularly interested) should be required to apply, to the Minister in charge of the administration of this Act, to become what I would call approved insurance companies. Of course, this would then enable the Minister to examine and from time to time review the financial status of these companies. I assure the House that from my knowledge it is only the most reputable of companies that undertake this business, because there are sometimes fairly large payouts to

be made either in a lump sum or in payments extended over a fairly long period. In fairness to the insurance companies, I point out that most of them are highly respected institutions, but occasionally doubt may be expressed. I make my suggestion because in these cases only such companies as could meet their obligations promptly would be permitted to engage in this type of business, and this would be to the benefit of both employers and employees. These suggestions are made to ensure that proper workmen's compensation is paid to all employees in all circumstances where they are entitled to be paid, and at the same time to ensure that no undue charge is made on employers.

I turn now to the compensation or entitlement payable to a workman. When I refer to a workman I mean also a workwoman where this applies, because today we have more and more women in industry. At present the entitlement in South Australia under the Act is that, where death occurs, a lump sum of £3,250 is paid to the widow of the workman. Total disablement attracts £3,500 to be paid to the dependant. This is rather strange because the death entitlement is less than the payment for total disablement, and that does not appear to me to be equitable. I believe it to be completely wrong and I will try to explain my reasoning as a lead up to a suggestion I will make on the matter. This difference in the sum, with the disability entitlement greater than the death entitlement, suggests immediately that a widow does not need as much money as a woman who has her husband to be looked after or maintained. Not for a moment can I accept that view and I hope most members cannot accept it either. I believe that the death of a workman by injury or accident at work and the compensation payable to his widow should be considered as completely separate from, and as having no relation to, any schedules of compensation that may be prescribed for incapacity.

Mr. Millhouse: Some standard has to be laid down.

Mr. COUMBE: I will try to do that. I am further heartened in my view because this principle is observed in some other States in Australia. I refer to a publication entitled *Conspectus of Workmen's Compensation Acts in Australia* for 1965. This publication is issued by the Commonwealth Department of Works. I shall give a relevant comparison. I take the case of New South Wales because that would appear to be the most highly industrialized State in the Commonwealth and the one in which (because of the population and the nature of industry) probably more claims are made than in any other State in the Commonwealth. In New South Wales the lump sum payment on death that goes to a widow is £4,300, and the payment for total incapacity is about £2,300. The amount payable in South Australia in the case of death is £3,250, and in the case of total incapacity £3,500, compared with the New South Wales figures. Therefore, I believe that in South Australia we should grant a larger lump sum payment to a widow than to a wife whose husband is disabled.

I have cited the case of New South Wales where this condition applies. When a workmen there is killed, his widow gets a certain sum, and this is much greater than the sum paid to the wife of an injured workman. I have also pointed out that in South Australia at present it is the other way around, and the Bill makes the payments the same. I believe we should pay the widow who has lost her husband more than we pay the wife whose husband is injured. The Bill raises both these payments to £6,000. This figure of £6,000 is extremely interesting, because this is the sum that Sir Thomas Playford, when he was the Premier, announced in his policy speech last March. He said then that, if returned, he would introduce amendments to this Act, and that £6,000 would be payable to a widow on the death of her workman husband.

Mr. Jennings: He had 27 years to do it, but he never did it.

Mr. COUMBE: I see the honourable member is learning fast, because the Labor Party has taken this same figure of £6,000 that the former Premier announced he would introduce. I make it clear that I am not quarrelling with the amount: I am merely tracing its origin and saying how interesting it is that the first we heard of the amount was in the announcement by Sir Thomas Playford that he would introduce legislation in respect of it. The Labor Party has caught on and has adopted the same figure. This is the sum now proposed to be paid for both the categories I have mentioned, and it is considerably greater than the sums payable in either of the two categories in any other State. I refer to this conspectus once again, and I cite the two States that are the highest States at the moment and will be the next highest after South Australia when this Bill is passed. The figure in New South Wales for death is £4,300, and for Tasmania £4,459. Let us compare

those figures with the figure of £6,000 which is now proposed here.

Mr. Hurst: What date is that?

Mr. COUMBE: This publication is a 1965 one. Incidentally, the last amendments included are from Western Australia and New South Wales, both of which amended their legislation in November or December, 1964. Therefore, I suggest that when we are in Committee we should consider the expression of the views and principles I have just enumerated on this differentiation between the scales of payment that should be made to the two main entitlements under workmen's compensation, namely, death on the one hand and disablement on the other. I suggest that the £6,000 in the Bill should be payable in the case of death. However, I consider that the maximum figure payable for disablement should be £4,500 or £5,000.

Mr. Ryan: That is for total disablement?

Mr. COUMBE: Yes. I make it clear that the figures I am quoting are the lump sum payments; they are not concerned with the weekly payments made during treatment, nor do they take account of dependants. The conspectus shows that the figure payable in the case of disablement in each of the various States is as follows: New South Wales £2,300; Victoria, £2,800; Queensland, £3,925; Western Australia, £3,500; and Tasmania, £4,459. It means that if we provide £4,500 for total disablement we will still be providing a higher amount than any other State, although only a small amount higher than Tasmania. We would be maintaining this outlook of paying more to a widow for the loss of her husband than we would pay to a wife whose husband was disabled, a principle which (I amphasize to the House) appears to be observed in all the States and by the Commonwealth Parliament. It is also in line with the conditions of service in the Commonwealth Public Service. I commend that suggestion to the House, and perhaps the matter can be further considered and amended when we get into Committee. At a suitable time I will table amendments to cover this suggestion, and I mention it now only so that the Government can think about it in the meantime.

The other main feature in this Bill introduces an entirely new principle into the workmen's compensation legislation in South Australia. I refer to the "travelling to and from work" clause. This was part of the Labor Party's policy speech at the last election, and it is the most controversial clause in the Bill before us. I took steps to find out what happened when this type of legislation was introduced in the other States, and once again I cite New South Wales, which has the most people and which is the most industrialized State in the Commonwealth. In the New South Wales Act I found page upon page of instances of disputes and findings under this heading. It appears that there is more litigation in New South Wales on the interpretation of this section than on any other single section of the Act, and I believe that the same would apply in the other States where that provision operates.

Mr. Ryan: Are you quoting figures relating to the early stages of the operation of that provision?

Mr. COUMBE: I am quoting from the New South Wales Statutes up to 1957. I also have the up-to-date amendments.

Mr. Ryan: Is it a debate you are quoting?

Mr. COUMBE: No, I am quoting from the Statutes, and I think the House will realize that they are more authoritative than *Hansard* reports. It seems that the introduction of this provision in New South Wales immediately provided a feast for the lawyers, and I think that will happen here. I warn the House that in New South Wales and Victoria extremely long delays in settlements have occurred in many of these cases because of the controversial nature of the provision. The present Opposition Party resisted the implementation of this clause in past years for the main reason that an employer had no control over his men while they were not under his control; that he should be responsible only for those actions over which he exercised some control, restraint, or discipline, and that an employer, as a matter of common law and principle, should not be held responsible for other people's lives, their habits and actions outside his shop or factory, where he had not the slightest control over their actions. That was an important principle that we as a Party upheld.

However, it seems that, generally speaking, there is in Australia a strong desire that has been expressed by other State Legislatures, including the Commonwealth Parliament, that the journey to and from work could be covered by worker's compensation. Last December, Western Australia went most but not all the way, and it seems to have been generally accepted throughout Australia that some cover should be given for this journey. Therefore, the Opposition is being realistic in this regard, and accepts the new principle introduced by this clause. However, at the same time it

points out and expresses grave doubts on the application and efficacy of the wording in this escape clause 4, which provides that no compensation shall be payable in certain circumstances. Some wording in this portion requires further scrutiny in Committee. I quote new subsection (2) dealing with compensation being payable under certain conditons:

(2) No compensation shall be payable in respect of any injury occurring on any of the journeys referred to in paragraphs (*a*), (*b*) or (*e*) of subsection (2) of section 4 or on any journey referred to in subsection (3) of section 4 if the injury occurs during or after any substantial interruption of or substantial deviation from the journey made for a reason unconnected with the employment or unconnected with the attendance at the place or school (as the case may be) or during or after any other break not reasonably incidental to any such journey unless in the circumstances of the particular case the risk of injury was not materially increased by reason only of such substantial interruption or deviation or other break.

It would not be possible to have phrasing that was harder to define than the one I have read, and this will lead to a feast for lawyers in the courts. Let us consider it in more detail. On this journey we are speaking about "during or after" the journey. How long after? Immediately after or half an hour after? Three hours after? I do not know, and there is no guide in new subsection (2). A man arrives home from work after being covered by this provision during the journey to his home, but for how long after he arrives at home is he covered? The next word is "substantial" with respect to "substantial interruption". This word can be used adjectivally or adverbially, and the dictionary gives many definitions, such as generally, largely, mainly, mostly, to a large extent, pretty well, considerably, in the main, not imaginary, not illusory, not to any small extent, other than a minor extent, and so on.

These examples show that the word can be construed in many ways and where it is used with "interruption" the court is faced with a dilemma, as has happened in the New South Wales jurisdiction. We are dealing with workmen and what they can expect under law as payment for an injury. On the other hand, the employer has an obligation, so that we are dealing with two opposing views that will hinge on an interpretation of a loosely-worded clause. The next contentious word is "interruption", fairly simple of definition: but it means that you stop and you go on again. But how long is that interruption? Is it for a moment or of more substance, a longer interruption. I look at my long list of synonyms, and I realize that it is difficult, indeed, to find out how long this interruption will be. Then we come to the word "deviation" which, of course, is defined in many ways. I know that the people of Russia have a peculiar definition of the word. Although I am not a "deviationist", I understand that "deviation" means that instead of taking the shortest distance between two points (a straight line) a circuitous route may be taken by a workman from the place of employment to his residence.

Next, we come to the phrase "reason unconnected with the employment or unconnected with the attendances at the place or school". How do we define this? What is the "reason unconnected with the employment"? Has it something to do with an employer's method of conducting business, or something to do with a tradesman's own craft? How can it be connected with that if he is on his way home? Then we have the phrase "break not reasonably incidental to any such journey", which is another nebulous term that defies definition. A man pushes a bicycle, becomes tired, has a rest, and then goes on his way. Is that "incidental"? The New South Wales Parliament found so much trouble in defining such terms as these that only last year it added words to the relevant legislation to try to overcome the difficulty.

The Parliamentary Draftsman has obviously gone to the trouble of including the latest New South Wales amendments in this new subsection to try to solve the problem, but I am posing the serious difficulties that may arise in implementing such a contentious clause. Is the journey to and from work to be official? Will it achieve what we hope it will achieve, or will it be abused? I cite the case of a workman who, under this Bill, would be covered for workmen's compensation but who, on leaving his employer's workshop at the normal time of leaving to proceed to his home, called in at a hotel to have a drink. This is a common occurrence, as we all know.

Mr. Millhouse: It's usual!

Mr. COUMBE: I take it that this could come within the definition of a "substantial interruption", but it may be a "substantial deviation"; it could be both. Having had a couple of beers, he may leave the hotel slightly affected, and have an accident.

Mr. Millhouse: He needn't be affected at all.

Mr. COUMBE: He may or may not be affected. If he had an accident he would then

be subject to workmen's compensation, through no fault of his own. Does his going into a hotel, milk bar, or whatever it may be, constitute a substantial deviation? Can it be interpreted by the court in such a way that the man may not receive compensation? On the other hand, does it mean that the employer may have to pay out insurance for a man who has gone into a hotel, or any other place, over which the employer has had no control, or of which he has had no knowledge? Take the case of a man leaving his work at the normal time of leaving, who, as he drives out of the place, is involved in a car accident. Is he covered by workmen's compensation? He is certainly "substantially interrupted" on his way home. Unfortunately, he may be deviating to such an extent he may have to go to hospital. Would he be covered for workmen's compensation? I realize that if he is entitled to third party insurance as a result of a car accident, he cannot receive both, but he may be the guilty party in this case.

Mr. Millhouse: He would go for whichever was the greater.

Mr. COUMBE: Quite! A man may be riding his bicycle and fall off. It seems he would be entitled to workmen's compensation, but will the employer be liable to pay it to him?

Mr. McKee: Would you suggest a stipulated time?

Mr. COUMBE: I am not suggesting anything. I am merely pointing out some difficulties that may be encountered. Some of these instances are based on cases that are referred to in the New South Wales Statutes—actual cases. I suppose that many men travelling to and from work traverse the same route daily, whilst others may deviate at times, and go the long way around. Under the Bill it is suggested that there should be a substantial deviation. If a woman drove her car a mile or two out of the way to visit a supermarket on the way home (and this could apply to men too) and she had an accident, would this be regarded as a substantial deviation and would she be precluded from cover? I point out that this new subsection provides for preclusion and that no compensation shall be payable. When driving home people often go miles out of the way to do shopping at a supermarket, in order to get goods cheaply, to visit a football practice match, or to attend a union meeting. Would such actions be regarded as substantial deviations and would these people be deprived of cover? In most cases, the answer would be "Yes".

I have given the case for employees and I will now examine the costs involved for employers. The Opposition, although accepting the Bill, expresses strong doubts about some of its workings. For the purposes of my example, I shall take the case of a metal tradesman because a fitter and turner or equivalent tradesman is assessed as a yard stick. I believe this type of worker usually carries the highest risk. An employer pays premiums of so much per centum for different categories of tradesman. A fitter and turner would require a high premium, whereas a clerical worker would require a much lower premium because the risk of accident would be less. From figures I have worked out, and which I have tried to check with other large firms, it would appear that an employer would pay about 17s. to 20s. a week a man to an insurance company for premiums for a metal tradesman. From experience that has resulted from these payments in New South Wales and Victoria, based on costs and premiums charged there, it is expected that the cost in South Australia would jump by about 50 per cent.

Mr. Ryan: That depends on the number for whom they pay. Of course, they do not pay for all employees, do they?

Mr. COUMBE: This is the way premiums are paid for workmen's compensation: each year an employer has to submit to an insurance company a return of wages actually paid in the past 12 months to certain classifications of employee. These classifications include fitters and turners, welders, carpenters, travellers, domestic help, and clerks. They are also split up into male and female. The insurance company then works out the premium according to the number of employees and the wages paid in each category, and the premiums vary with the category. That is the method used by an insurance company in assessing an employer on premiums.

Each year, when accidents occur, under the Industrial Code an employer has to report these accidents to an insurance company and to the department. The more accidents an employer has the more he will pay in premiums the following year. If an employer has no accidents he might get a rebate. The premium is loaded in direct ratio to the number of accidents in a factory. I have assessed that, bearing in mind the figures in Victoria and New South Wales where this journey provision has operated for the last few years, employers in South Australia

(which has had the lowest rate in the Commonwealth) can expect premiums to jump 50 per cent in a full year after the clause is implemented. I point out that there will be a substantial rise in overhead in many organizations employing large numbers of men. It should be understood that, if an employer employs few men, the unit cost of overhead rises rapidly, whereas if an employer has many men he can spread the unit cost of overhead and his costs come down. The direct result of the increased benefits to be paid under the Bill and the increased cost for the journey provision will mean that overheads will rise directly and fairly steeply. I base this opinion on judgments handed down in other States on similar provisions in workmen's compensation legislation there. Also, we must be prepared for the extra costs that will be involved. These provisions cover apprentices travelling between their work and home and between their home and the trade school.

I have made several suggestions. I suggested a premiums committee to safeguard the employer, to see that he is not exploited, and to see that an adequate type of insurance company covers the necessary policy in this field. I believe that this should be implemented and that there should be some form of advisory committee on workmen's compensation to advise the Government from time to time on the operations in this State.

Mr. Ryan: If we had a State insurance office there would be no need for a premiums committee because employees would be safe from exploitation.

Mr. COUMBE: I have only the honourable member's word that we would be safe.

Mr. Ryan: This operates in other States where they have State insurance offices.

Mr. COUMBE: If the honourable member knows so much about it he can put forward his own suggestion later. I suggest that a premiums committee be established. Perhaps, through competition, a suitable rate of premium could be offered to employers and at the same time the Government could ensure that the insurance companies concerned were of the highest integrity.

Mr. Ryan: There is no competition between insurance companies.

Mr. COUMBE: There would not be much competition with a State insurance company.

Mr. Ryan: That would be direct competition.

Mr. COUMBE: The honourable member can express his own views in his own way. I have also suggested that an investigating committee could be set up to look at all aspects of workmen's compensation, and examine anomalies or new conditions as they arise from time to time. That committee would represent both sides, with perhaps an independent chairman. We did have a committee for some years but, frankly, it did not get the results we hoped it would. I believe that a committee could iron out some of these problems and advise the Government and this Parliament. Surely, such a committee would benefit both the employee and the employer.

Mr. McKee: There was such a committee here, wasn't there?

Mr. COUMBE: That is just what I was talking about. I said that it broke down.

Mr. McKee: It was under your Government, of course.

Mr. COUMBE: Well, I suggest that such a committee could operate.

Mr. McKee: You are coming around to a sensible way of thinking. You did not mention that when your Government set up that previous committee. When things are different they are not the same.

Mr. COUMBE: It seems that the honourable member may even be enlightened enough to accept some of my suggestions. One amendment I have in mind concerns the adjusting of rates to be paid to a widow on the one hand and to the wife of an injured or incapacitated workman on the other hand. I hope the Committee will accept the views that I put forward.

Mr. McKee: Have you ever advocated those views before?

Mr. Millhouse: What the devil does that matter?

Mr. COUMBE: Doesn't the member for Port Pirie agree with what I am saying?

Mr. McKee: Of course I do.

Mr. COUMBE: Well, we are getting some unanimity at last. The most important clause in the Bill deals with the extension of cover to journeys to and from work. The Opposition, being realistic in this, has accepted the point of view expressed in this Bill.

Mr. McKee: But it didn't do so when it was in Government.

Mr. COUMBE: At the same time, we issue the strongest possible warning against malpractices that may occur on the one hand and difficulties that may arise on the other. This is being done deliberately in the hope that in the upshot this Bill will benefit not only the workmen and the employers concerned but the State generally. I hope the legislation works satisfactorily, and that it will not have

to come back here too soon to be amended over trivial matters. The other provisions in the Bill are nearly all consequential. I have dealt with the major provisions. To give some idea of the number of amendments, apart from those on the Bill itself, there is a whole schedule at the back of the Bill of what are mostly machinery amendments.

Mr. Ryan: That is the schedule?

Mr. COUMBE: Yes. Nearly all of them are minor machinery amendments, such as substituting the word "injury" for the word "accident", which is necessitated because of the rephrasing of the legislation to incorporate the provision extending the cover to journeys. I hope that the legislation works efficiently and to the satisfaction of all concerned.

Mr. HURST (Semaphore): I support the Bill, which improves workmen's compensation in South Australia. We on this side realize that the Bill is being introduced to give effect to the announcements of the Premier of this State in his policy speech. I make it clear that the present amendments being made to the Act do not meet the full requirements of the trade union movement in this State. We know from bitter experience through handling these matters that anomalies occur day after day. New techniques that are being introduced into industry give rise to problems that cannot always be catered for at any one time. Under this Act it would take a considerable time to ensure that justice was done to all the people who really deserved justice. I say that advisedly. The member for Torrens said that certain alterations that he suggested would improve the Act. I point out to him that I would bitterly oppose some amendments he has suggested, although others have some merit. However, I am confident that if the honourable member heard the full arguments in this matter he would be prepared to go further, and that he would realize the logic of the demands of the trade union movement.

Four main alterations are to take place as a result of this Bill. The first alteration concerns the right to claim for compensation. It broadens the scope of the claim, and rightly so. The previous Act provided that compensation was payable only in the event of an accident arising out of and in the course of employment. We all know that insurance companies used to get definitions from the legal fraternity in respect of what an accident was, and while it is true that there are many cases one could legitimately argue and obtain compensation for, hundreds of people who had legitimate claims to workmen's compensation were bluffed out of it because the companies said that it had to be a specific accident. I suppose I have had as much experience as anyone else in this State in the handling of workmen's compensation matters.

The Government is wise in bringing in this legislation. The member for Torrens referred to the number of women employed in industry today. Anyone who studies industry knows that through the repetitive work they do they get certain complaints and they suffer from those complaints. For instance, they are affected by carpel tunnel syndrome, and similar complaints, and this type of complaint arises not because of a specific accident but by the nature of repetitive routine employment over a period of time.

Mr. Ryan: And they have never been able to get compensation.

Mr. HURST: That is so. Thousands of workers who had claims on such grounds as those were refused compensation. If you force insurance companies to pay, they will pay, but many do not honestly carry out the provisions of the Workmen's Compensation Act. I can name them if necessary. The trade union movement did not receive a proper deal from the committee referred to by the member for Torrens.

The Hon. D. N. Brookman: Who was on it?

Mr. HURST: A representative of the employers and one from the trade union movement, generally the secretary of the Trades and Labour Council or his nominee, and it was not possible for him to know all the details and circumstances of the jobs.

The Hon. D. N. Brookman: But he did represent employees?

Mr. HURST: In many cases specific details were not kept, but usually these were required. The trade union movement is interested in the principle of the matter, and it is not its prerogative to ask that the Act be amended. I know that this particular committee was set up, but for years it has been the policy of my Party that workers should be covered by compensation when travelling to and from work. It was asked of the previous Government what would happen if this committee had recommended that, and we were told that it would not be given effect to. What is the use of a committee if its decisions and ideas are not considered, but are nullified by the Party in power? The trade union movement and the Labor movement have suffered this injustice for many years. Minor adjustments were made to the Act regarding weekly payments to keep it in line with amendments in other States, but some of the principles that needed

to be covered were lost sight of. A committee cannot function effectively if, when it makes suggestions, it is told that those ideas are not satisfactory. Many injuries are caused by working at a particular job for many years and these disadvantages have to be overcome. When many insurance companies are approached they advise the individual of what it is going to cost rather than inform him of the merits of the claim.

If it were not for the trade union movement many people would not receive half the compensation that is paid to them. Two years ago I was invited by the Australian Medical Association to address a medical seminar in South Australia on the question of accidents in industry. After my address, a young medical officer wanted to know what was the tie-up between the insurance companies and the trade union movement. I told him there was no tie-up and I asked him why he thought there was. He told me that he never knew a person to receive compensation unless he belonged to a trade union. These were young medical practitioners who had not had much experience, but why was that questioned asked? It was asked because the insurance companies know that as individuals the people do not have a chance of recovery because they are bluffed out of it. As the member for Mitcham well knows, many people cannot afford to obtain legal protection because they do not have the necessary money. Hence it is necessary to make amendments to this Act. Other incidental amendments have to be made to make the Bill fully effective.

Another important amendment concerns compensation paid while travelling to and from work. Why should not workers in South Australia be entitled to the same conditions as are enjoyed in most other States, and why should not this Government introduce a Bill to give them benefits not less favourable than those given by the Commonwealth Government? Of many employees working side by side, some are employed by the State Government and others by the Commonwealth Government. The Commonwealth Government covers its employees to and from work but the State Government does not. The member for Torrens referred to new subsection (2) of section 5. He referred to many cases in New South Wales and in other States, but he posed hypothetical questions. Clause 4 amends section 5 of the Act, and sets out a principle and provides a guide to these cases, which is to cover employees to and from work. Workers often attend advanced classes and a responsible Government should encourage the provision of facilities to enable people to learn modern methods and receive the necessary training to help them gain better employment. Employers encourage that and, because of the changes that have taken place in their industry, they find it necessary to provide schooling. In such cases, in the course of employment, is it not right and proper that there should be some relaxation, a deviation from the straight line between A and B? Because of the large volume of traffic, a person may use another route at times. Some latitude must be allowed. Indeed, in this State it will be exercised and determined by the appropriate authorities, having regard to all the circumstances. The member for Torrens (Mr. Coumbe) refers to employees who may suffer because of the actions of others. Some people may go to a hotel, have a schooner of beer (that may not affect them) and become involved in an accident, only to find that the insurance company concerned will try to escape its obligation. I have found most of the workers in industry to be particularly good types, who respect conditions.

Mr. Quirke: Is the member for Semaphore in favour of the Bill?

Mr. HURST: Yes, but it does not go far enough. I am merely answering what the member for Torrens has had to say. The committee agreed to the principle that if artificial limbs, spectacles, etc., happened to be broken, compensation should be paid. Under section 18a of the Act a person can claim for spectacles, skiagrams, etc., if he is entitled to do so. It was agreed some time ago by the parties that, if a person wearing spectacles was walking through, say, a doorway and the door suddenly hit him and broke those spectacles, they should be replaced. It was intended that the Act should be amended, but we later found that many companies would not pay out in such cases until a test had been conducted. Contrary to the instructions of our solicitor (because he said we would lose) we contested the case, as that was necessary before an amendment was possible.

We realize that many more improvements should be made; we should try to correct the anomalies in the Act. The Bill also relates to recurrent injuries. Naturally, it is grossly unjust that an employee who suffers from an accident through no fault of his own, and who may have to lose time as a result of a recurrence of that injury, should be paid at the rate applicable at the time of the original accident.

This matter has been investigated by the Government, and is covered in the Bill. I cannot see how anybody can argue against this provision. I know of employees who, many years ago, to be eligible for re-employment in Government establishments, had to sign an agreement which, in those days, limited them to about £300 compensation in the event of death arising out of their employment. That is an objectionable state of affairs.

Amendments are required to cover such a situation as this. The member for Torrens suggested that there should be differential sums for widows and for wives of working men, but, if ever we were to create a feast for the legal profession, that would be a typical example. I do not consider that such a suggestion would be at all practicable. A woman is often the breadwinner in the family, and we could find 150 ways of trying to solve all the problems that arise. To ascertain what a person should legitimately be paid, we could go along and pay 50 or 60 guineas for legal advice, only to receive no real advantage in the long run.

Another important feature of the Bill is the increased sum to be paid in the event of death, namely, £6,000. That figure will make for easy calculation into decimal currency. Concerning this matter, I believe that, because of increasing costs, salary ranges should be increased. Some employees in industry today are bordering on their rights to compensation; sums provided in the Act are often too small. Some tradesmen receive £30 or £40 a week, but considering payments for overtime, they could easily be placed outside the ambit of the Act. We find literally hundreds of employees, valuable not only to the employer but to the State as a whole, whose lives are worth far more than £6,000. Indeed, no sum could compensate for injury caused to them or for their death. Money is merely a means of providing relief to the individual, according to his circumstances. The sum of £6,000 is reasonable. True, the Leader of the Opposition referred to it in his policy speech. We have been reasonable in our approach and the four changes mentioned should be supported by both sides of the House. One could talk for hours on these anomalies if one decided to go into them fully. I wish to refer to assessors. The position is clear. By law an employer is required to insure his employees with an insurance company. The insurance company collects premiums. If a claim is made, after it goes through the cumbersome machinery of the company, it is given to the assessors and it is likely to be many weeks before the claim is paid. The assessors are employed in a private capacity and this is lucrative employment. I would much rather see the wealth from this avenue go to those suffering rather than be paid to a body that procrastinates on payments.

I know of one employee who was concerned with workmen's compensation. He resides in the district of the member for Stirling. This case was held up for 18 months because of a wrangle between two insurance companies and yet there was no dispute in regard to his rights to compensation. By the time the assessors had looked into it it had taken 18 months. After 12 months he telephoned me and told me that the bank would foreclose on his property unless he could make payments. The Act provides that an employee shall receive weekly payments. At some time we will have to face up to the situation and provide penalties in the Act for insurance companies and assessors who continually procrastinate and prevent wage earners from receiving what they are legitimately entitled to receive. It is nothing for people to have to wait up to nine weeks for the payment of a simple claim that should have been assessed in a few days. It takes this time to pass through the hands of the assessors.

Mr. McKee: What about oversea steamship companies?

Mr. HURST: They are much worse, but I am speaking of the local position. The honourable member for Mitcham is looking at me. I can give him the names of the insurance companies and the people concerned. The suggestions made by the member for Torrens would not meet the needs of the trade union movement or of members on this side. The Bill will be thoroughly investigated to ensure that those who are entitled to receive them get their legitimate payments. I have much pleasure in supporting the Bill. I hope that in future some better changes will be made to the Act.

Mr. MILLHOUSE (Mitcham): Many changes are involved in the Bill. Let me make it plain that I do not begrudge anybody any of the increases that these changes bring about. I think it is necessary to do what the member for Semaphore does not seem to do often and did not do in this instance, and that is to keep our feet on the ground and to realize that every change made and every improvement in compensation will cost money. As soon as it costs money it will increase costs in the community.

Mr. Hurst: Wouldn't accident prevention be a better answer?

Mr. MILLHOUSE: Of course, but we must be realistic. Accident prevention will not cut out claims for workmen's compensation. There will always be accidents and disaster and, therefore, the cost of compensation will always be substantial in the community. The great thing that always flows from increases in benefits is an increase in costs to someone. As soon as workmen's compensation payments are increased, of necessity premiums must be increased. As soon as industry pays the premiums it increases its costs, which are passed on to the community at large. This is a most important factor and one that the last Government deliberately kept before it. That is one reason why it opposed an increase in benefits such as the coverage of workmen to and from their place of employment. One of the great aims of this Party has been to keep costs down in South Australia and to keep the State competitive with industry in other States. That is something which the present Government does not seem to care two hoots about. The Government is already leading South Australia into trouble with regard to competition with industry in other States. It is something we should not forget but something I am afraid the present Government is likely to forget.

The first change in the Bill is that the words "out of and" in the Act will be amended to "out of or". This is a significant widening of the scope of workmen's compensation. I do not begrudge it but, as it widens the scope, it will increase the costs of the community. I have had many instances professionally where claims have been refused because it has not been possible to prove that the injury arose out of employment. One case was that of a man who had a heart attack. He did not complain of his illness until he arrived home, but it was believed that the attack occurred whilst he was working at his place of employment. Because it could not be proved that it had occurred at his place of employment he did not receive his compensation. In future, a case such as that will be covered. One thing that puzzles me is why there has been a change from "accident" to "injury" in the Bill. For the life of me I cannot see the significance of this change. In view of section 5 (1), it does not seem to make much difference whether the term "accident" or "injury" is used. I should be glad if somebody opposite (unfortunately the member for Semaphore did not do this) would explain what difference this makes.

Another big change is to increase the amount stated from £3,250 or £3,500 to £6,000. I do not complain about that, because it was the policy of our Party before the last election, but this is a significant increase. The member for Torrens and the member for Semaphore have spoken about death or total incapacity and I point out that this has a marked effect upon the table of insurance under section 26 of the Act, the thing that looks a bit like a *lex talionis*—"total loss of hand and foot, 100 per cent", down to "total loss of any other toe or joint of a finger, 7½ per cent". They are all percentages that will relate to £6,000 whereas previously they related to £3,500.

Mr. Broomhill: Pretty miserable, wasn't it?

Mr. MILLHOUSE: I don't know about that. The general rule of thumb (and the member for West Torrens would know this, as he was a trade union official) was that benefits under the Workmen's Compensation Act were about half of those received at common law in negligence claims. I do not call that miserable. Naturally, as I said at the beginning, we would like to give far more than we do give but we have to tailor the benefits to what the community can afford.

Mr. Heaslip: It is the community that has to pay.

Mr. MILLHOUSE: It is, and it is silly to use an emotive term like "miserable", as the member for West Torrens has done. We must be realistic, and this will mean a considerable increase in charges under section 26. It will nearly double such charges, and that is a substantial increase.

Another matter has been a bone of contention for many years (and I would have been amazed if the Government had not included this in its first Bill to amend the Workmen's Compensation Act) is the vexed question of travelling to and from work. The member for Torrens has dealt with that at considerable length. I could not but experience a feeling of satisfaction when he said that this would be a harvest for lawyers. It will be, because, as I point out to the member for Semaphore, as soon as one leaves a narrowly defined path or narrow definition one is in trouble, because it is vague, and every case must be argued on its merits.

We have heard the member for Torrens quoting from a copy of the New South Wales Workers' Compensation Act. A similar provision exists there, although it is much more complicated. It is interesting to see the footnotes on this provision, as they cover about

five pages of small print. There are literally hundreds of cases on this point, such as the meaning of "substantial" and "deviation" All these things are impossible to define by Act of Parliament; the only way it can be done is by case law—by the decisions of particular tribunals. Such things become technical—as they must, when this is being done. One particular instance caught my eye, and I think it is worth reading for the benefit of members on both sides of the House to illustrate how complicated these things become. This is what it says at page 587:

Applicant resided in flat in building which contained other flats. Front door opened on to steps leading to street. Applicant closed door of his flat and proceeded down stairs to front door of building to make his daily journey to work. In opening front door, while still inside building, he stubbed his toe against door.

Held that applicant's "place of abode" was building containing his flat, and that, when injured, he was still "within" his place of abode, and was not journeying "between" such place of abode and his place of employment.

So he did not collect. This is an eminently sensible decision but it shows how minutely these things have to be examined. That is only one example I have picked at random.

Mr. Broomhill: It is a poor one.

Mr. MILLHOUSE: I do not see that. It is entirely logical. The member for West Torrens lets his emotions run away with him if he says it is a poor example. It is a perfectly proper one. The person was not on his way to work and so did not recover. That is apart from the difficulties of "deviation" and so on with which we have been wrestling in the last hour or so and which are such a fruitful source of income to the legal profession.

I have one regret about this Bill—that it has been introduced late in the session and we are debating it now only the day after it has first seen the light of day. This has not allowed us sufficient time to digest it and make sure that we understand what it is all about; and, more importantly, it has not allowed time for the contents of the Bill to be made known widely in the community, especially amongst those persons who have to work it, who know most about it and who can best appreciate its implications. I do not think we should go ahead with this matter at present; we should allow some time to elapse so that we can work it out for ourselves and allow time for others who are interested in legislation of this nature to work it out, understand it and tell us what their reactions to it are. I am thinking particularly (I hope that members opposite will not take me to task for thinking of them) of the insurance companies and those dreadful people for whom the member for Semaphore (Mr. Hurst) has such a contempt and dislike—the insurance assessors. I do not know whom he was suggesting we could have in their place, or whether he was suggesting that they should be summarily dismissed. Somebody has to investigate accidents. These are the people who will look to this Bill and tell us what its implications are: for example, the implication of changing "accident" to "injury" throughout the Bill. I can see nothing in that, but perhaps there is something in it. I should like to look at the Bill more closely before voting on it. For these reasons, I think we should delay voting on it for the time being. Therefore, I ask leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT.

At 10.31 p.m. the House adjourned until Thursday, November 25, at 2 p.m.